



W.A.Nos.813 & 814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.Nos.813 and 814 of 2023
and
C.M.P.Nos.7750 and 7755 of 2023

W.A.No.813 of 2023:

The Church of South India Trust Association,
Coimbatore Diocese,
Rep. by Finace and Property Administrator,
256, Race Course Road,
Coimbatore – 641 018.

...Appellant

Vs.

- 1.The Assistant Settlement Officer,
(South), Chennai – 600 005.
- 2.The Special Tahsildar, Erode Unit I,
Town Survey & Settlement,
Erode – 638 001.
- 3.Tahsildar, Erode.



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4.The President,
Mariamman Baktharkal Sangam,
No.258, Theppa Kulam Street,
Erode – 638 004.

5.Erode Makkal Nalam Naduvor Sangam,
No.38/5, Mosikeerananr 6th Street,
Erode – 638 003.

6.Gurulakshmanan

...Respondents

PRAYER in W.A.No.813 of 2023: Writ Appeal filed under clause 15 of Letters Patent praying to set aside the order made in W.P.No.13313 of 2017 dated 02.12.2022 and allow this Writ Appeal.

W.A.No.814 of 2023:

The Church of South India Trust Association,
Coimbatore Diocese,
Rep. by Finace and Property Administrator,
256, Race Course Road,
Coimbatore – 641 018.

...Appellant

Vs.

1.The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Town and Country Planning,
807, Anna Salai, (Chengalvarayan Building 4th Floor),
Chennai – 600 002.



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3.The Chairman,
Erode Local Planning Authority and District Collector,
Erode.

4.The Member Secretary,
Erode Local Planning Authority,
TNHB Complex,
Surampatti Nall Road,
Erode – 9.

5.Erode Makkal Nalam Naduvargal Sangam,
Rep. by its Secretary,
M.Chandirasekaran, S/o.K.Chinnappan,
No.11/3, Gandhi Nagar Colony,
(Near KMCH Hospital),
Erode – 638 009.

[R5 impleaded as per order dated 24.10.2013]

...Respondents

PRAYER in W.A.No.814 of 2023: Writ Appeal filed under clause 15 of Letters Patent praying to set aside the order made in W.P.No.14705 of 2013 dated 02.12.2022 and allow this Writ Appeal.

For Appellants : Mr.V.Chandrasekaran

For Respondents : Mr.R.Ramanlaal,

Addl. Advocate General

Assisted by Mr.T.Arunkumar,



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Addl. Govt. Pleader

for R1 to R3 in W.A.No.813/2023

for R1 to R4 in W.A.No.814/2023

Mr.V.P.Sengottuvel, Sr. Counsel

For Mr.K.S.Jeyaganesan

for R4 in W.A.No.813/2023

Ms.S.Varsah for R5 in both W.A.s

Mr.S.Ramprabu

for Mr.S.P.Yuvaraj for R6 in W.A.813/23

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is the common writ order dated 02.12.2022 passed in W.P.Nos.14705 of 2017 and 13313 of 2017.

2. Both the Writ Appeals have been instituted by the Church of South India Trust Association and the Church of South India Coimbatore Diocese.



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W.P.No.13313 of 2017 has been instituted challenging the order dated 10.05.2017 passed by the Assistant Settlement Officer (South), Chennai and for a direction to grant patta to the subject property admeasuring an extent of 12.66 acres in Old Survey No.586 and 587 present Ward E, Block 2, Town Survey No.28/2 – Block 3, Town Survey No.1 and 2 situate in Erode Town, Taluk and District. W.P.No.14705 of 2013 has been instituted challenging the order dated 12.03.2013 passed by Member Secretary, Erode Local Planning Authority rejecting the claim of the appellant and the consequential notification issued dated 10.05.2013.

3. Since the issues raised are common, both the Writ Appeals have been taken up together for hearing.

4. The case of the appellant is that the subject property originally was a Sub-Collector's bungalow at Erode. The auction notification dated 05.08.1905 came to be issued by the District Collector and the Collector's bungalow was sold in public auction held on 12.08.1905 in favour of one Rev.H.A.Popley of



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London Missionary. A sale certificate dated 19.01.1906 came to be issued by the Collector, Coimbatore. Rev.H.A.Popley, the successful bidder conveyed the said property in favour of London Missionary Society, Erode by executing a Sale Deed bearing Doc.No.3067/1907 dated 12.12.1907 registered in the Office of the Sub-Registrar, Erode. The subject property was in possession of London Missionary Society represented by Rev.A.W.Brough.

5. London Missionary Society conveyed the said property in favour of the appellant herein by executing a sale deed bearing Doc.No.1175/1965 dated 14.04.1965 registered in the office of the Sub-Registrar, Erode. The appellant states that they are in possession of entire extent of 12.66 acres and carrying on Social Welfare activities. The appellant is remitting ground rent till 1980. thereafter, the Government Authorities refused to receive ground rent and the demand drafts sent by the appellant were returned by the Tahsildar, Erode.

6. On 21.06.2010, the appellant submitted an application with



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Settlement Officer, Chennai seeking re-classification of lands in Old

T.S.Nos.586 and 587 of Erode Town from Government Poramboke to private patta land in favour of the appellant. The Settlement Officer, Chennai in his proceedings dated 30.06.2010 ordered re-classification of land as a patta land in favour of the appellant. The order of Settlement Officer, Chennai dated 30.06.2010 came to be challenged before the Director of survey and settlement by the Tahsildar, Erode. The Director of survey and settlement by his order dated 30.03.2011 set aside the order of Settlement Officer, Chennai dated 30.06.2010 and remanded the matter back to conduct *denovo* enquiry.

7. On remand, Special Tahsildar, Survey and Settlement, Erode conducted an enquiry and passed an order on 10.07.2012 rejecting the claim of the appellant without properly considering the appellant's case. The appeal filed by the appellant before Government came to be rejected. Thus, the Writ Petitions came to be instituted.

8. The learned counsel for the appellant would reiterate that a close



reading of the documents relied on by the appellant would show that the Sub-

Collector bungalow along with the site was sold by the Collector, Coimbatore.

Thus, the documents produced by the appellant to establish sale of the subject property was not considered both by the Director of survey and settlement in his order dated 30.03.2011 and the Government. The writ Court also has not considered those documents.

9. The respondents 1 to 3 represented by the learned Additional Advocate General would contend that the sale certificate produced by the appellant itself is doubtful and suspicious. There are visible discrepancies and the sale certificate and the entries in the revenue records vary. Thus, the Authorities have rightly rejected the claim of the appellant. Even the schedule of properties are not tallying with the revenue records and for all these reasons both the Director of Survey and settlement and the Government rejected the claim of the appellants. There was no sale of land and the ground rent alone was recovered by assigning the land. The assignment was granted under the Board Standing Orders. Therefore, the appellant cannot



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claim title / ownership in respect of the subject property.

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10. The Sub-Collector's bungalow alone was sold even as per the documents produced by the appellant which is also questioned by the revenue authorities. The reason to sell the sub-Collector's bungalow is not explained. However, the entire documents produced by the appellant would reveal that there is no sale occurred nor any valid sale deed has been executed in the office of the Sub-Registrar and pertinently as per the appellant they were paying ground rent till 1980. If at all the lands were sold in 1905 the question of payment of ground rent till 1980 would not arise at all. Order of the Settlement Officer passed in the year 2010 was identified as a collusive order. The said order was obtained by mis-representation and fraud. Thus Director of survey and settlement and Government interfered with the said order by setting aside the same and *denovo* enquiry was ordered. Fresh enquiry was conducted and the claim of the appellant was subsequently rejected. Appeal filed by the appellant was also rejected. At the out set there are several discrepancies, which could be identified in comparison with the documents



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produced by the appellant and the revenue records available with the Government.

11. The survey number of the property which has been purchased by the appellant does not find a mention in the sale certificate, which raised a doubt regarding purchase of the subject property by Rev.H.A.Popley. The cost/ sale consideration has not been disclosed in any of those documents and there is no other relevant documents to establish that subject land was sold by Government in favour of any person.

12. Pertinently post independence all the lands stood vested with the Government of Madras Presidency and the right of London Missionary stood extinguished. Therefore, the London Missionary does not get any right to alienate the property in favour of the appellant after 1947. The payment of ground rent by Rev.H.A.Popley and thereafter by London Missionary and by the appellant till the year 1980 would show that the subject property was assigned by the Government under the Board Standing Orders. Therefore,



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the appellant cannot claim any right of title or ownership.

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13. The 4th respondent in the Writ Appeal would also support the case of the Government. The learned Senior Counsel appearing on behalf of the 4th respondent would submit that the documents produced by the appellants are forged. The subject lands are classified as Government poramboke lands and vest with the Government absolutely. At no point of time the Government land was sold in favour of any persons. Even as per the documents produced by the appellant they are assignees under the Board Standing Orders and was paying ground rent to the Government till 1980. That apart, the Government property has been utilized for developing link road in Erode town and approximately 80% of the project has been completed and on account of obstruction caused by the appellant, balance project is unable to be completed. The learned Senior Counsel would fortify the view of the learned Single Judge in the impugned order dated 02.12.2022 by stating that several correspondences relied on by the appellant are not relating to sale of subject property, but, relating to payment of ground rent and the writ Court elaborately



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considered these aspects by framing issues.

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14. This Court has considered the rival submissions made between the parties to the lis.

15. This Court has independently gone through the relevant documents, which would reveal that the subject property has been assigned on certain conditions and annual ground rent of Re.1/- per acre was being recovered from the appellant and there is no documents to establish that an absolute sale took place. Even the title deed dated 19th January 1906 filed on behalf of the appellant would show *“that an annual ground rent of Rs.12-11-0 or, of such other sum as may fixed at every periodical revision thereof shall be paid to Government on demand before the 15th April of each year.”* As per the sale certificate produced by the appellant the description of the immovable property including the building has been stated as *“Town Survey Fields Nos.586 and 587 measuring in the aggregate 12.66 acres bearing an annual ground rent of Rs.12-11-0, containing the Sub-Collector's bungalow, a stable and kitchen and*



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16. However, in the title deed relied on by the appellant, no survey number has been specifically stated. The boundaries alone has been detailed. In view of the said discrepancy, the official respondents raised objections that all these documents are forged documents, which cannot be relied upon for the purpose of conferring any right to the appellant.

17. The writ Court cannot adjudicate the disputed facts of civil nature. Civil rights are to be adjudicated in the manner known to law. Power of judicial review under Article 226 is to ensure the processes through which decision has been taken in consonance with the statute and Rules in force, but not the decision itself. Therefore, any person claiming title has to establish through documents and evidences available on record before the competent Court of law. However, in the present case, the Government produced documents to show that the subject property has been classified as “Government poramboke” and assigned for a ground rent in the year 1905 by



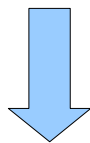
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the Collector, Coimbatore and at no point of time the subject property was sold in favour of the appellant. The appellant admittedly paid ground rent till the year 1980. The Revenue records would show that the classification of subject land as “Government poramboke” is being maintained till today. In this context it would be relevant to extract the flow chart showing Mutation of revenue records of disputed lands ranging from 1868 to 2020 submitted by the Thasildar, Erode.

Flow Chart Showing Mutation in Revenue Records of Disputed

Lands Ranging from 1868 to 2020

1868 Survey and Settlement Register			
S.F.No.	Area (Acre Cents)	Classification	Remarks
411-B	9 Acre 85 Cents	Government Poramboke	Bungalow
413	18 Acre 02 Cents	Government Poramboke	Taluka Cutchery



1900 – Town Survey Register				
T.S.No.	Old Survey No	Area (Acre Cents)	Classification	Remarks
586	413-Part	2 Acres 75 Cents	Government Poramboke	Taluk Cutchery
587	411-B Part	9 Acres 91	Government	Sub Collector's



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		Cents	Poramboke	Bungalow
Total Area		Ac 12.66 Cents		

Later in the year 1939 the classification of both the above T.S.Nos.586 and 587 has been changed from Government Poramboke to Private and the remarks column has been changed in the name of Manager, London Missionary as per Coimbatore District Collector's Order K.Dis.1414/1939, Dated 28.11.1939.



1932 – Town Survey Field Register				
T.S.No.	Old Survey No	Area (Acre Cents)	Classification	Remarks
586	413-Part	2 Acres 75 Cents	Government Poramboke	Manager, Londone Missionary
587	411-B Part	9 Acres 91 Cents	Government Poramboke	Manager, Londone Missionary
Total Area		Ac 12.66 Cents		

In this table above changes has been carried out only in Remarks column as Manager, London Missiionary as per Coimbatore District Collector's Order K.Dis.1414/1939, Dated 28.11.1939, but the classification has not been changed and it still remains as Government Poramboke.



1981 – Town Settlement Adangal



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Ward	Block	T.S.No.	Old Survey No	Area (Hc.Ares, Sq.m)	Classification	Remarks
E	2	28/2	587-Part	0.2010.0 (Ac0.491/2 Cents)	Government Poramboke	House Site Tax Rs.1.30/-
E	3	1	587-Part	3.9455.4 (Ac9.75 Cents)	Government Poramboke	House Site Tax Rs.30.0/-
E	3	2	586	0.8651.9 (Ac2.13 ¾ Cents)	Government Poramboke	House Site Tax Rs.6.60/-
Total Area				Ac 12.38 ¼ Cents		

In this table above table the Remarks column has been replaced by House tax for concerned T.S.Nos according to the extent and the classification still remains as Government Poramboke. Here the area also slightly varies as per survey allowance rules.



2006 – Supplementary Survey Register						
Ward	Block	T.S.No.	Old Survey No	Area (Hc.Ares, Sq.m)	Classification	Remarks
E	2	28/2	587-Part	0.1966.2 (Ac0.48 ½ Cents)	Government Poramboke	Vacant Land
E	3	1	587-Part	3.9955.0 (Ac9.87 ¼ Cents)	Government Poramboke	C.S.I School



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E	3	2	586	0.8751.9 (Ac2.16 ¼ Cents)	Government Poramboke	C.S.I Hospital, Terrace House
Total Area				Ac 12.52 Cents		

In this table above table the Remarks column has been replaced by the name of Structures present in concerned T.S.Nos and the classification still remains as Government Poramboke. Here the area also slightly varies as per survey allowance rules.



2020 – Supplementary Survey Settlement Register						
Ward	Block	T.S.No.	Old Survey No	Area (Hc.Ares, Sq.m)	Classification	Remarks
E	2	28/2	587-Part	0.1966.2 (Ac0.48 ½ Cents)	Government Poramboke	Vacant Land (Court case pending)
E	3	1	587-Part	3.9955.0 (Ac9.87 ¼ Cents)	Government Poramboke	C.S.I School
E	3	2	586	0.8751.9 (Ac2.16 ¼ Cents)	Government Poramboke	C.S.I Hospital, Terrace House
Total Area				Ac 12.52 Cents		

In this above table present status is being mentioned and the classification of



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foresaid land is still maintained as Government Poramboke.

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*The above said matters are as per Records and it is kindly submitted to
Honourable Madras High Court for further perusal.*

Sd/-
Tahsildar
Erode

18. As far as W.A.No.814 of 2023 is concerned, the official respondents have stated that the planning authority prepared Erode detailed Development Plan – 2 for formation of a road connecting Erode Railway Station and Brough Road under Section 12 of Town Planning Act, 1920 and notified the same in the Fort St. George Gazette on 12.11.1935. On account of obstruction caused by the appellant, the link road is unable to be completed. It is further contended that the impugned Erode Detailed Development Plan – 2 for formation of 80 ft. road to link Erode Railway Station and Brough Road was conceived in the year 1935 and finally approved by the Director of Town and Country Planning under the provisions of Tamil Nadu Town and Country Planning Act, 1971 and the final notification published in the Government Gazette on 12.06.2013 is for the larger public interest of the general public of the Erode town and to ease the traffic in city.



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19. The writ Court has framed seven issues and elaborately considered the documents produced by the respective parties. When certain documents are doubtful and suspicious, it is for the competent Authority to initiate action against the perpetrators of such bogus or forged documents. Any official collusion corrupt practices if any are to be investigated and enquired into by the Government, for initiation of action against the officials or the persons, who have involved in commission of offences.

20. The revenue records of the subject land from 1968 to 2020 would indicate that the subject land is classified as Government poramboke and the said classification continues till today. The documents relied on behalf of the appellant would *prima facie* indicate that the land was assigned under the Board Standing Orders and they were paying ground rent based on the conditions stipulated. The description of property in the sale deed and the sale certificate is also not tallying and there are several other discrepancies.



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Thus, the discrepancies are also to be looked into by the Government and

appropriate actions are also to be initiated in the manner known to law. When

the Government established that the subject lands are classified as

Government poramboke and it was only assigned, Government are

empowered to resume the property and utilize the same for public purpose.

That apart, the Government has already approved plan for developing link

road for the benefit of public at large in Erode town and such public projects

are to be implemented without causing any undue delay.

21. In view of the facts and circumstances this Court does not find any infirmity or perversity in respect of the finding made by the writ Court and thus both the Writ Appeals are **dismissed**. The Government is at liberty to resume the Government properties and utilize the same for public purposes. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (P.D.B., J.)

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dsa

Internet :Yes/No

Index :Yes/No

Neutral Citation :Yes/No

Speaking/Non-speaking order



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To

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- 9.The Member Secretary,

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