



WEB COPY

WA No. 2548 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2548 of 2023
and
CMP No.21407 of 2023**

K. Daisy

Appellant(s)

Vs

1. The Assistant Settlement Officer
(North)
Survey and Settlement Department,
Survey House, Chepauk, Chennai - 600
005.

2.The Tahsildar,
Ponneri Taluk, Thiruvallu District.

3.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

4.M. Murugan,

5.S.B.Gandhi,

6.J.Manoharan,

7.Kondakkarai Youth Service Association,
Rep. by its Secretary Mr.P.Ragu,



S/o.Paramanantham, Kondakarai Village,
S.R.Palayam Po., Ponneri Tk., Tiruvallur
Dist.

8.R.N.Ramesh Nagappan,

9. Commissioner,
Hindu Religious and Charitable Endowments Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034

(R-9 is impleaded as per order dated 25.11.2025 by SMSJ and MSQJ in WA
No. 2548 of 2023)

Respondent(s)

For Appellant(s): Mrs.A.L.Gandhimathi,
Senior Counsel for
Mr. A.R.Karthklakshaman

For Respondent(s): Mr.T.A.Arun Kumar,
Additional Government Pleader
(for R1 to R3 & R9);

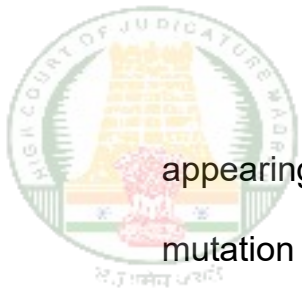
Mr.M Kempraj (for R6)

JUDGMENT

(Judgment of the Court was made by S.M.Subramaniam J.)

Under the assail is the writ order dated 23.11.2021 passed in
W.P.No.22937 of 2015. The writ petitioner is the appellant before this Court.

2.Relying on the proceedings of the Assistant Settlement Officer (North)
(I/C) dated 04.04.2012, the learned Senior Counsel Mrs. A.L.Ganthimati



appearing for the appellant would contend that the petitioner is entitled for mutation of revenue records based on her application. The petitioner purchased the subject property in the year 2010 from Mr.Kotteswaran and Mr.Kotteswaran acquired title from Mr.Pandurangan. Therefore, the appellant is the bona-fide purchaser of the subject land. Since her application for issuance of patta in her favour got rejected, the writ petition in W.P.No.22937 of 2015 came to be instituted.

3.The learned Additional Government Pleader would submit that Mr.Pandurangan is the Manager, appointed (for the time being) for maintenance of the properties belonging to Prasanna Vinayagar Temple. Therefore, any alienation made by him in respect of the temple property is null and void.

4.The learned Additional Government Pleader would further contend that The Commissioner of Survey and Settlement has no power to issue join patta and therefore, exercise of his powers is null and void. Since the Commissioner of Survey and Settlement is not a competent authority under the Act to grant patta, the said patta is of no avail to the appellant to claim any mutation of revenue records based on her application.



5.The writ court elaborately adjudicated the issues and made a finding as follows:

“14.Moreover, the property comprised in S.No.600/2 ad-measuring 0.14 cents and the property comprised in S.No.616/2 ad-measuring to an extent of 2.00 acres stood as Patta No.1626, Manager for the time being for the purpose of water shed. In the document of appointing trustees for Prasanna Vinayagar Temple and maintenance of the properties in Kondakarai H/o.Vallur Village registered on 10.05.1921 in document No.1101/1921 in S.No.150 measuring to an extent of 1.65 acres, S.No.600/2 measuring to an extent of 0.41 cents and S.No.616/2 measuring to an extent of 2.00 acres had been described as water manyams in B-Schedule. These lands were recorded as charitable inam lands in the above Revision Survey and Re-settlement Register of Vallur village. The said lands have been taken by the Government on 15.02.1965. After completion of inam settlement, the subject lands stood registered in the name of Water Shed (Thaneer Pandal) in Patta No.1155. Therefore, this Court finds no illegality or infirmity in the orders passed by the second and third respondents. Hence, this Writ Petition is devoid of merits and it is liable to be dismissed.”

6.Application seeking patta, cancellation of patta, mutation of revenue records, have to be dealt with by the competent authority under the provisions of the Tamil Nadu Patta Passbook Act 1983 and the rules framed thereunder. Section 3(1) of the Act contemplates:



WEB COPY



"3(1)The Tahsildar shall issue a patta pass book to every owner in respect of land owned by him, on an application made by him in this behalf. Any application received under this section shall be acknowledged by the Tahsildar or any other officer authorised by him in this behalf."

Thus, the applicant seeking patta must establish that he is the owner of the land.

7.In the event of dispute regarding title, the revenue authorities cannot grant patta nor adjudicate the disputed issues of civil nature. Rule 4(4) of Tamil Nadu Patta Passbook Rules reiterates that:

"4 (4) In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain order on the ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records."

8.Section 14 of the Act deals with bar of suits. Proviso clause to Section 14 of the Act states that :



WEB COPY



“if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963; and the entry in the patta pass book shall be amended in accordance with any such declaration.”

Therefore, disputed facts of civil nature cannot be adjudicated by the writ court under Article 226 of the Constitution of India. In the event of any such dispute, the revenue authorities or the Writ Court has to relegate the parties to approach the Civil Court for resolving the issues.

9.In the event of adjudicating such issues based on affidavits and selective documents, it may result in miscarriage of justice or to cause prejudice to any one of the parties. Power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has be taken in consonance with the Act and Rules, but not the decision itself. Thus, the writ court is not expected to adjudicate disputed facts relating to title, ownership or civil rights which requires a trial natured proceedings based on documents and evidence available on record.

10.In this case, the writ court made a finding that the subject property has been recorded as charitable endowment lands and Revision Survey



and Resettlement Register of Vallur Village also record the said facts. The lands have been taken by the Government on 15.02.1965. Therefore, on completion of enam settlement, the subject lands stood registered in the name of water shed (Thaneer Pandan) in Pata No. 1155.

11.Since the writ court made finding that the property belongs to Prasanna Vinayagar temple and falling under the provisions of Hindu Religious and Charitable Endowments (HR and CE) Act, the Commissioner, Hindu Religious and Charitable Endowments Department, has to initiate appropriate action and verify the records and initiate necessary actions by following the procedures as contemplated under the HR and CE Act and the Rules framed thereunder.

12.In this regard, the Commissioner, Hindu Religious and Charitable Endowments Department, No. 119, Uthamar Gandhi Salai, Nungambakkam, Chennai - 600 034, has been suo motu impleaded as respondent. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice on behalf of the Commissioner, Hindu Religious and Charitable Endowments Department. Registry is directed to communicate a copy of this order to the Commissioner, Hindu Religious and Charitable Endowments Department and make necessary changes in the main case bundle.



13. With the above directions, the writ appeal stands dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

Sha

25-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. The Assistant Settlement Officer
(North)
Survey and Settlement Department,
Survey House, Chepauk, Chennai -
600 005.

2. The Tahsildar,
Ponneri Taluk, Thiruvallu District.

3. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

4. J. Manoharan,
Ex. President, Kondakarai Panchayat
Union, No.43, Perumal Koil Street,
S.R. Palayam, Kondakarai,
Chennai-600 120.

5. Kondakkarai Youth Service
Association,
Rep. by its Secretary Mr. P. Ragu,
S/o. Paramanantham, Kondakarai
Village, S.R. Palayam Po., Ponneri Tk.,
Tiruvallur Dist.

6. Commissioner,
Hindu Religious and Charitable
Endowments Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034



WEB COPY

WA No. 2548 of 2



**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

Sha

WA No. 2548 of 2023

25-11-2025