



S.A.No. 181 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
14.08.2025

PRONOUNCED ON
26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

S.A.No. 181 of 2015
and M.P.No.1 of 2015

The District Collector,
VRP District, Villupuram

... Appellant

Vs

1.Ganesan
2.Kandadu Adi Dravida Salt Worker
Co-operative Production & Sales Society,
Kandhadu Village,
Represented by the President.

... Respondents

PRAYER: Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and decree dated 19.03.2003 made in FTC – II A.S.No.6 of 2003 (SCA.S.No.23of 1997, on the file of the Additional District and Sessions Judge, Tindivanam) which was reversing by the judgment and decree made in O.S.No.174 of 1991, dated 27.11.1996 on the file of the District Munsif Court, Tindivanam.

For Appellant : Mr.Arun Kumar
Additional Government Pleader

For Respondent : R1 – No appearance
R2 – Served – No appearance



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JUDGMENT

This second appeal had been filed as against the order in FTC – II A.S.No.6 of 2003 (SCA.S.No.23 of 1997, on the file of the Additional District and Sessions Judge, Tindivanam) and O.S.No.174 of 1991, on the file of the District Munsif Court, Tindivanam.

2. Heard Mr.Arun Kumar, learned Additional Government Pleader, appearing for the appellant.

3. Learned Additional Government Pleader would submit that the first respondent herein had filed a suit in O.S.No.174 of 1991 seeking for a declaration of his title and permanent injunction with regard to the suit A & B Scheduled properties. According to the first respondent/ plaintiff, it is his claim that the lands were assigned in favour of his predecessor in interest, from whom the land were purchased the name of his wife and his wife has also predeceased him. Hence, he is the absolute owner of the property and based upon the said claim, he had filed the instant suit.

4. The suit had been resisted by the defendants upon which various issues were framed touching upon the claim of the first respondent and finally the suit came to be dismissed by a reasoned judgment and decree dated



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27.11.1996. Thereafter, an appeal suit had been filed by the first respondent and the first Appellate Court had reversed the judgment and decree. The first Appellate Court, on the strength of the pattas under Exs.A10, A39 to A42 and tax receipts under Exs.A13 to A38 and the Chitta extracts under Exs.A44 to A50 had decreed the suit ignoring the exhibits filed by the defendants which are the Government Order granting lease of the said lands for salt lease. He would contend that the Revenue Records namely the Patta and Chitta cannot be the basis of a title which had been wholly ignored by the first Appellate Court. He would further submit that the assignment was only a lease and not a sale and if at any extent, the first respondent would only be entitled for a claim in the lease hold right and not otherwise. Even that he cannot claim, as the assignment of lease was also stood canceled. Therefore, he prays this Court to set aside the first Appellate Court judgment and restore the judgment and decree passed in the suit.

5. The first Appellate Court had framed three issues which are as follows: -

- “1. Whether there was assignment of patta in favour of the plaintiff's vendors?*
- 2. Whether the sale in the name of the plaintiff is valid?*



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3. Is the revocation of assignment by the Government valid and binding the plaintiff?"

6. The First Appellate Court had held that the first respondent had proved his title and possession by way of sale deeds, Patta Pass Book in their names, Kisth receipts and the extracts of Chitta. It has rejected the exhibits filed by the defendants as they are subsequent to the sale deeds under which the plaintiff claims to have purchased the property and had held that the defendants have not proved their title. The following substantial question of law arises for this Court's consideration:-

a) Whether the First Appellate Court was correct in relying upon the Revenue Records namely the Patta, Kisth receipts and Chitta to come to a conclusion that the first defendant had perfect title over the property?

b) Whether the Lower Appellate Court was right in discarding the Exs.B1 & B2 by relying upon Ex.A.58?

7. It is a well settled principle of law that the Revenue Records cannot form basis of a title in a person except to substantiate his possession over the property. The first respondent/ plaintiff admittedly had not pleaded title by adverse possession. Even though the first respondent/ plaintiff had claimed that the lands were assigned to his predecessors in title such assignment deeds were not produced by him. Further, even under Ex.A58, the lands were in



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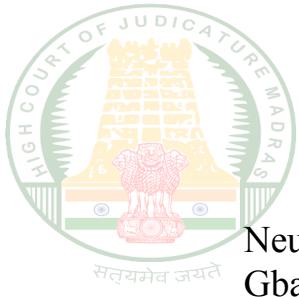
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possession of the first respondent/ plaintiff for production of salt, as recorded by the First Appellate Court in its judgment and decree. When that be the case, there could not have been any conversion on the said land as *Tharisu land*. Further, the reasons assigned by the first Appellate Court on the title over the first respondent/ plaintiff by relying upon the Revenue Records is wholly improper. The Trial Court after discussing in detail had held that the first respondent/ plaintiff had not proved his title to the property. The First Appellate Court in a very casual manner relying upon the Revenue Records had over turned the well considered judgment and decree of the Trial Court without giving any weightage to Exs.B1 to B3.

8. For the aforesaid reasons, the substantial question of law that had been framed by this Court is answered in favour of the appellant and accordingly, the Second Appeal stands allowed setting aside the judgment and decree of the First Appellate Court and the judgment and decree of the Trial Court in O.S.No.174 of 1991 stands restored. Consequently, connected Miscellaneous Petition is also closed. However, there shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non Speaking Order



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Neutral Citation: Yes/No

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- 1.The Additional District and Sessions Judge, Tindivanam .
- 2.The District Munsif Court, Tindivanam.
- 3.The Section Officer,
V.R Section, High Court Madras.



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K.KUMARESH BABU,J.
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A Pre-delivery order made in
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