IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.1058 of 2025
and
C.M.P.Nos.8489 and 8490 of 2025

1.M.Sangeetha,
W/o.R.Manoj Kumar

2.M/s.Hotel Amudhasurabhi,
Represented by its Managing Partner
R.Manoj Kumar ... Appellants / Petitioners

Vs.

1.Additional District Magistrate-cum-District Revenue Officer,
Office of the District Collector,
Collectorate Building,
Coimbatore – 641 018.

2.Sub-Collector-cum-Revenue Divisional Officer,
Office of the Sub-Collector,
Pollachi.

3.Tahsildhar,
Office of the Tahsildhar,
Pollachi.

4.M/s.Kwality Spinning Mills Limited,
Represented by its Managing Director
M.Sathappan Ravi

5.R.Sudha,
W/o. Late Radhakrishnan ... Respondents / Respondents

Prayer: Appeal under Clause 15 of the Letters Patent, against the Order dated 10.01.2025 passed in W.P.No.791 of 2025.

For Appellants : Mr.N.L.Rajah
Senior Counsel
for Mr.K.R.Arun Shabari

For Respondents :
For R1 to R3 : Mrs.Akila Rajendran
Government Advocate

For R4 : Mrs.Chitra Sampath
Senior Counsel
for Mr.T.S.Baskaran

JUDGMENT

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

Under assail is the Writ Order dated 10.01.2025 passed in W.P.No.791 of 2025.

2. The Writ Petitioners are the Appellants before this Court.

3. Admittedly, a Cart Track Agreement for Easementary Rights has been executed between the Appellants and the 4th Respondent. Before the said Agreement, Patta stood in the name of the parties jointly. Subsequently,

the 4th Respondent submitted an application to grant Patta in their name exclusively.

4. The Appellants intervened and objected for grant of Patta in respect of the portion of the property which is the subject matter of the Cart Track Agreement executed between the Appellant and the 4th Respondent incorporating right of way to be commonly utilized. The 3rd Respondent Tahsildar, Pollachi, granted Joint Patta in Patta No.462 in respect of the property, inclusive of the portion of the property, which is subject matter of the Cart Track Agreement.

5. The Appellants filed an application before the Tahsildar for deleting the name of the 4th Respondent. The 4th Respondent simultaneously filed an application seeking deletion of the name of the Appellants from the Patta Proceedings and grant Patta exclusively in the name of the 4th Respondent. The Tahsildar passed an order in proceedings dated 15.07.2021, granting Patta in favour of the 4th Respondent.

6. Challenging the said order dated 15.07.2021, the Appellants preferred an appeal before the Revenue Divisional Officer, who, in turn allowed the Appeal.

7. Challenging the said order passed by the Revenue Divisional Officer, the 4th Respondent preferred a revision before the District Revenue Officer. The District Revenue Officer by order dated 29.11.2024, reversed the order of the Revenue Divisional Officer, which resulted in filing of the Writ Petition by the Appellants.

8. It is not in dispute that except the Cart Track Agreement and the portion of the land involved in the said Agreement, no other dispute exists between the parties.

9. The Writ Court has dismissed the Writ Petition with a finding that the Writ Petitioners and the 5th Respondent in the Writ Petition Smt.R.Sudha are entitled only to use the passage and other than that, no rights have been granted to them.

10. Since the right granted is only with reference to the usage of pathway, the Writ Court held that the Appellants are not entitled for Patta.

11. Mr.N.L.Rajah, learned Senior Counsel appearing on behalf of the Appellants would mainly contend that the Cart Track Agreement is a registered document. A sum of Rs.40,00,000/- was paid by way of consideration for the usage of Cart Track. Therefore the said Agreement cannot be brushed aside since a limited ownership as defined under the Tamil Nadu Patta Pass Book Act, 1983 has been conferred on the Appellants. The Writ Court has not taken into consideration regarding the limited ownership conferred on the Appellants in the Cart Track Agreement entered into between the parties.

12. When right of usage has been conferred by way of a registered document, on payment of consideration, the Joint Patta granted initially must be held valid. Therefore the order of the District Revenue Officer and the Writ Court are running contrary to the provisions of the Tamil Nadu Patta Pass Book Act, 1983. Further, it is contended that the 4th Respondent has already instituted a Civil Suit in O.S.No.120 of 2021, seeking a declaratory

relief to cancel the Cart Track Agreement entered into between the Appellants and the 4th Respondent. During the pendency of the Civil Suit, the Revenue Authorities ought not to have granted exclusive Patta in the name of the 4th Respondent. Therefore the Writ Order is to be assailed.

13. Mrs.Chitra Sampath, learned Senior Counsel for the 4th Respondent would oppose by stating that Section 3 of the Tamil Nadu Patta Pass Book Act, 1983, stipulates that ownership must be established for issuance of Patta.

14. In the present case, there is no transfer of property involved. It is only a limited right of usage of the portion of the land as Cart Track has been granted, which cannot be equated with that of the right of ownership. Therefore the learned Single Judge is right in dismissing the Writ Petition.

15. It is further contended that pendency of Civil Suit is not a bar for grant of Patta. The Cart Track Agreement is unambiguous and the ownership has not been transferred in the name of the Appellants. It is only an Agreement entered into between the parties and each one of the parties

agreed that the Appellants shall use the land only as a Cart Track while the ownership of the land vest with the 4th Respondent. Since the ownership has not been transferred in favour of the Appellants, Patta must be granted in the name of the 4th Respondent since the 4th Respondent is the absolute owner of the subject land, of which, a portion has been given only for usage as Cart Track.

16. This Court has considered the rival submissions made by the respective parties to the *lis* on hand.

17. Section 2(6) of the Tamil Nadu Patta Pass Book Act, 1983, defines "owner", means any person holding land severally or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, and includes a full owner or limited owner but does not include a mortgagee, lessee or a tenant. In the present case, admittedly, the Appellants are not mortgagee or lessee or a tenant.

18. Sub-Section (6) to Section 2 of the Tamil Nadu Patta Pass Book Act, 1983 indicates right of a limited owner. Pertinently, the word "limited

owner" is defined under Section 2(5) of the Tamil Nadu Patta Pass Book Act, 1983, means any person entitled to a life estate in any land and includes persons deriving rights through him.

Explanation:- A person who has a right to enjoy the land during his lifetime shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land.

19. A close reading of Sub-Section (5) and Sub-Section (6) of Section 2 of the Tamil Nadu Patta Pass Book Act, 1983 would amplify that transfer of right to enjoy the land would also falls under the definition of "limited owner". Whether the Appellants would fall under the category of 'limited owner' or not is to be adjudicated with reference to the documents and the intent explicitly or impliedly made in the documents, which are all to be adjudicated before the competent Civil Court of law.

20. This Court is of the considered view that Section 3(1) of the Tamil Nadu Patta Pass Book Act, 1983, in unambiguously, states that 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.

21. The "owner" has been defined and the owner includes "limited owner" as stated above. Therefore, these facts ought to be established between the parties based on the documents and the evidences.

22. For concluding the present case, it is relevant to consider Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987. Rule 4 speaks about "procedure on receipt of application or information". Sub-Rule (1) denotes that "On receipt of the application or information, the Tahsildar shall make an entry in the "Register of Applications Received" in the order of receipt in Form-III. The Register shall be maintained village-wise". Sub-Rule (4) to Rule 4 states that "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 / she 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.

23. Rule 4 of the Tamil Nadu Patta Pass Book Rules, 1987 in unequivocal terms, emphasizes that in the event of ownership dispute, the Revenue Authorities cannot decide the issues and the parties have to be relegated to approach the competent Civil Court of law. Further, it proceeds by stating that if any Suit is pending before the Court of law and the issues raised which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, the Revenue Authorities have no option but to direct the parties to resolve the issues through the competent Civil Court.

24. Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 speaks about ownership, which includes "Limited ownership". Therefore, a person claiming ownership or limited ownership under the Tamil Nadu Patta Pass Book Act, 1983, has to establish his / her rights. In the event of disputed issues, the same ought to be resolved through competent Civil Court. Only thereafter, the Revenue Authorities have to consider the application submitted, if any, for grant of Patta, cancellation of Patta or to mutate the revenue records, as the case may be.

25. The Suit relief in O.S.No.120 of 2021, indicates that the 4th Respondent prayed to cancel the Cart Track Agreement dated 04.11.2019, registered as Doc.No.10033 of 2020 on the file of the Sub-Registrar, Pollachi by holding that it was brought about by coercion, undue influence, fraud and misrepresentation. Therefore, adjudication of issues relating to ownership or limited ownership are involved and neither the Revenue Authorities nor the High Court in exercise of the powers of judicial review under Article 226 of the Constitution of India can decide such disputed facts relating to the civil rights between the parties.

26. In view of the facts and circumstances, Writ Order impugned dated 10.01.2025 in W.P.No.791 of 2025 is set aside.

27. All the revenue proceedings in respect of the subject property involved in the Cart Track Agreement alone are kept in abeyance till such time, the civil rights of the parties are crystallized before the competent Civil Court of law.

28. This Writ Appeal, is thus, allowed. No costs. Connected Miscellaneous Petitions are closed.

[S.M.S., J.] **[C.S.N., J.]**
11.09.2025

Neutral Citation : Yes / No

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