



WEB COPY

WA No. 1207 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

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

WA No. 1207 of 2025

1. T.B.Babu

Appellant(s)

Vs

1. Vrinda Nirodi

2.The Districct Revenue officer
Chennai District, Chennai

3.The Revenue Divisional officer
Egmore, Chennai-600 008

4.The Tahsildar
Velacherry Taluk, Chennai

Respondent(s)

PRAYER

To set aside the order passed in WP.No.3711 of 2019 dated 06.03.2025 on the file of the Court.



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For Appellant(s): Mr.MA.Gouthaman

For Respondent(s): Mr.V.P.Sengottuvel Senior Counsel
For Mr.C Elamurugan For R1.
Mr.T. Arunkumar AGP For R2 To R4

ORDER

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

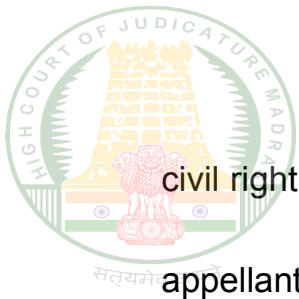
The 4th respondent in the writ petition is the appellant before this Court.

The 1st respondent has instituted a writ petition challenging the orders passed by the Tahsildar and the appellate order issued by the Revenue Divisional Officer under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 (hereinafter referred to as the “Act”).

2. The Writ Court adjudicated the issues and allowed the writ petition.

Thus, the present intra-court appeal came to be filed.

3. The learned counsel for the appellant would mainly contend that the Writ Court relegated the parties to approach the competent Civil Court of law for the purpose of establishing their civil rights. While doing so, certain findings are made which would cause prejudice to the appellant for establishing his



civil right in an independent manner based on documents and evidences. The

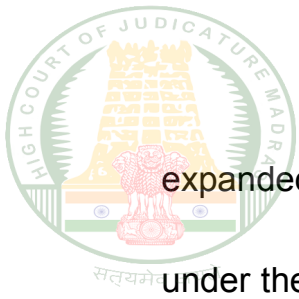
appellant further states that he possesses documents to establish his right.

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4. Mr.V.P.Sengottuvel, the learned Senior Counsel appearing on behalf of the 1st respondent, would oppose by stating that the appellant is attempting to grab the land belongs to the 1st respondent. Unregistered settlement deeds have been relied upon for the purpose of establishing title, and therefore, the Writ Court was right in making an observation that the 1st respondent has no right. The learned Senior Counsel would agree that the title dispute is to be resolved through competent Civil Court. However, in the present case, four unregistered settlement deeds were relied on. Thus, the Writ Court has made a finding.

5. Heard the parties to the lis on hand.

6. This Court is of the considered view that the provisions of the Act cannot be pressed into service for the purpose of determining ownership or title in respect of the immovable properties. The scope of the Act cannot be



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expanded to adjudicate disputed issues of civil nature. The powers conferred under the said Act are limited, and the revenue authorities, in the event of any doubt or discrepancy, are bound to relegate the parties to approach the Civil Court.

7. Section 3(1) of the Tamil Nadu Patta Pass Book Act enumerates 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.”* Therefore, the owner alone is entitled to maintain an application under the Act.

8. Rule 4(4) of the Tamil Nadu Patta Pass Book Rules is as under,

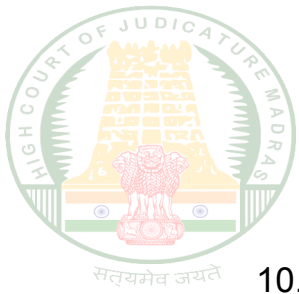
“(4) In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the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



recorded and existing in the various revenue records.”

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9. In the event of dispute, the revenue authority cannot determine nor issue patta. The parties must be allowed to establish their civil rights by approaching the competent Civil Court of law. The Writ Court, in exercise of the powers of judicial review, cannot adjudicate the disputed facts. In the event of any adverse finding or appreciation of certain documents would cause prejudice to any one of the parties for the purpose of establishing his /her civil rights in the manner known to law before the Civil Court. In the event of any such findings, any one of the parties may rely upon the same for the purpose of establishing their rights, which is undesirable. 'Right to Property' is a constitutional right under Article 300A of the Constitution of India. Such right is to be established in the manner known to law. It cannot be determined merely based on the affidavit filed in a writ petition or the xerox copies of the documents produced before the Writ Court. A trial nature proceeding is to be undertaken for the purpose of proving title/ownership, and that being the principle settled, adjudication of disputed facts of civil nature need not be undertaken in a writ proceeding under Article 226 of the Constitution of India.



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10. Only in the event of no dispute, an application under the Act is maintainable. In the event of objection or dispute, the revenue authorities cannot enter into the adjudication of dispute, but to grant liberty to parties to approach Civil Court under the provisions of the Act and Rules.

11. The learned counsel for the appellant would submit that the findings arrived by the Writ Court in the impugned order would cause prejudice to the appellant for the purpose of establishing his case.

12. Per-contra, the learned Senior Counsel would submit that it is a case of land grabbing and therefore, the findings are to be sustained.

13. If at all, the 1st respondent claims that it is a land-grabbing case, he has to initiate action under the criminal law for prosecuting the offenders. For establishing title, the parties have to approach the competent Civil Court of law. This being the factum and principles to be considered, the order of the Writ Court dated 06.03.2025 in W.P.No.3711 of 2019 is modified, and the



parties are at liberty to approach the Civil Court or initiate criminal prosecution

as the case may be for the purpose of resolving the issues. In the event of

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approaching the Civil Court, the Court concerned shall decide the issues

independently on merits and uninfluenced by the observations, if any made on

facts by the Writ Court in the impugned order dated 06.03.2025.

15. With the above modification, the writ appeal stands disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

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

06-10-2025

gd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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WEB COPY To

- 1.Vrinda Nirodi
W/o. Kunhikrishnan, New No.5, Old
No.2 and New No.7, Old No.2/1,
Kalshetra Road, Chennai-600 041
- 2.The Districct Revenue officer
Chennai District, Chennai
- 3.the Revenue Divisional officer
Egmore, Chennai-600 008
- 4.The Tahsildar
Velacherry Taluk, Chennai



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AND
MOHAMMED SHAFFIQ J.**

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