



W.A.No.1655 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

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

W.A.No.1655 of 2021
and C.M.P.No.10450 of 2021

1. N.Mohan
S/o.Narayanasamy

2. N.Kandasamy,
S/o.Narayanasamy

... Appellants

Vs.

1. Basheer @ Abdul Basheer,
S/o.Late C.A.Khabeer

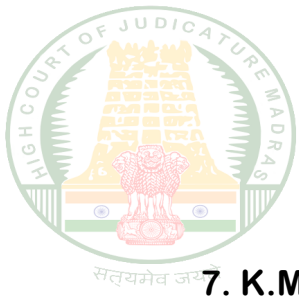
2.Shayeedha @ Shaidunnissa
D/o.Late C.A.Khabeer

3. Abidha Begauam @ Abiduninsa,
D/o.Late C.A.Khabeer

4. Rasheeda @ Raseedunnisa,
D/o.Late C.A.Khabeer

5. Nasirabegam,
D/o.Late C.A.Khabeer

6. Mohamed Zaheer,
S/o.Late C.A.Khabeer



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**7. K.Mohamed Ariff,
S/o.Late C.A.Khabeer**

**8. Nafeesa Begum,
D/o.Late C.A.Khabeer**

**Petitioners 1 to 8 are represented by their Power Agent
K.Anitha
No.29, Maralikirshnan Nagar
Valasaravakkam
Chennai - 600 087**

**9. The District Collector,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu District.**

**10. The District Revenue Officer,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu.**

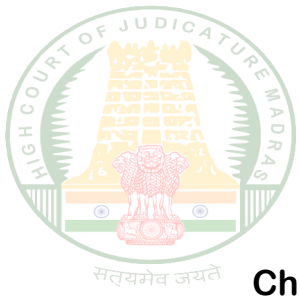
**11. The Revenue Divisional Officer,
Chengalpattu Region,
(formerly Kanchipuram District),
Chengalpattu.**

**12. The Tahsildar,
Thiruporur Taluk,
Chengalpattu District.**

**13. The Superintendent of Police,
Anti Land Grabbing Cell,
Kanchipuram District.**

**14. The Sub-Inspector of Police,
ALGC, Kanchipuram District.**

**15. The Inspector of Police,
E-8, Kelambakkam Police Station,**

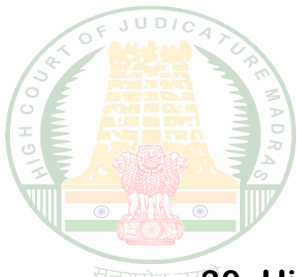


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Chengalpattu District.

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- 16. Muktharunnisa, W/o.Late C.A.Malick**
- 17. Bilal, S/o.Late. C.A.Malick**
- 18. Mohammed Jalal, S/o.Late C.A.Malick**
- 19. Fathika Banu, D/o.Late C.A.Malick**
- 20. Saraunissa @ Saru Begum
D/o.Late C.Hussain Basha**
- 21. Tasimunisa, @ Tasleem,
D/o.Late C.Hussain Basha**
- 22. Sheerin Mustaq,
S/o.Late Azmath Basha**
- 23. Mohamed Mustaq,
S/o.Late Azmath Basha**
- 24. Mohamed Ejaz,
S/o.Late Azmath Basha**
- 25. Thahasin Sulthana,
D/o.Late Azmath Basha**
- 26. Nasemunisa @ Naseema Begum,
D/o.Late C.Hussain Basha**
- 27. Adhilaunisa @ Aadhhila Begam
D/o.Late Hussain Basha**
- 28. Farook Basha @ Parubhasha,
D/o. Late C.Hussain Basha**
- 29. Afsarunisa @ Apsar Fathima,
D/o.Late C.Hussain Basha**



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30. Hilalunisa @ Hilal Fathima,
D/o.Late C.Hussain Basha

31. Mohamed Siddique @ Siddique Basha
S/o.Late C.Hussain Basha

32. Mrs.Mehrunnisa
W/o.Late C.M.S.Hyath Basha

... Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 29.09.2020 passed in W.P.No.12800 of 2020.

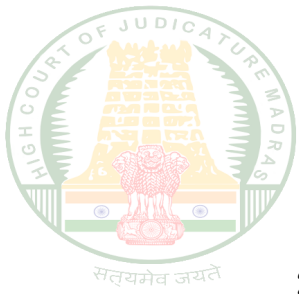
For Appellant : Mr.K.Mahalingam

For Respondents: Mr.Saaishudharsan Sathiyamoorthy [R5]
(Change of vakalat not filed)
Mr.Vadivelu Deenadayalan
Additional Govt.Pleader [R9 to R15]
No appearance
[RR1to 4, 6 to 8and 16 to 31]
Mr.S.Vijayakumar [R32]

J U D G M E N T

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

The present intra-court appeal has been instituted to assail the writ order dated 29.09.2020 passed in W.P.No.12800 of 2020.



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2. Respondent Nos.25 and 26 in the writ petition are the appellants in the present writ appeal. Respondents 1 to 8 filed the writ petition challenging the enquiry call notice dated 19.11.2019 issued by the District Revenue Officer, Kancheepuram (presently Chengalpattu) asking the parties to appear for an enquiry along with their explanations and documents, if any. Instead of appearing before the District Revenue Officer and defend their respective cases, Respondents 1 to 8 herein have chosen to file the writ petition mainly on the ground that several suits and patta proceedings have already been dealt with by the Authorities and their rights are decided and thus, the enquiry call notice is unnecessary.

3. The learned counsel for the appellant in the present case would submit that the rights of the appellants have already been crystallized and therefore, the observations and directions issued in the writ order impugned would affect the civil rights of the appellants.

4. The learned counsel appearing on behalf of fifth respondent would contend that the appellants have no right over



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the property and therefore, the writ petition has been instituted challenging the enquiry call notice.

5. The learned Government Pleader would submit that in the present case, the writ petition has been instituted challenging the enquiry call notice, but the Authorities have not been allowed to conduct an enquiry. Only after conducting a thorough enquiry, the Authorities will be in a position to take a decision and pass appropriate orders.

6. Heard the learned counsel for the respective parties.

7. No writ against enquiry call notice is maintainable unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with allegations of malafides. In respect of patta proceedings under the provisions of the Tamil Nadu Patta Passbook Act, 1983, an enquiry is to be conducted to ascertain whether the applicant is owner or otherwise for the purpose of grant of patta, cancellation of patta or to mutate the revenue records, as the case may be.

8. However, the Revenue Authorities cannot decide the title or ownership based on the documents. In the event of any dispute regarding title or ownership, the Revenue Authorities are bound to



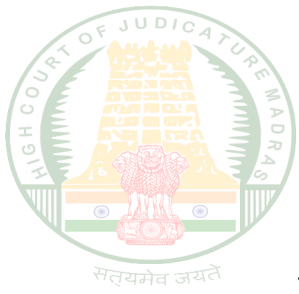
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relegate the parties to approach the competent civil Court of law for the purpose of determining the issue and to establish their civil rights.

9. Therefore, the enquiry / adjudication under the provisions of the Patta Passbook Act and the Rules framed thereunder by the Revenue Authorities are limited and they cannot adjudicate the civil rights between the parties. They are bound to verify the documents, form an opinion and pass appropriate orders on merits and in accordance with law. In the event of any dispute or doubt regarding title, the patta cannot be issued in view of Section 3 of Patta Passbook Act. Rule 4 of the Tamil Nadu Patta Passbook Rules provides for procedure on receipt of application or information. Rule 4 (4) of Patta Passbook Rules reads as under:

"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."



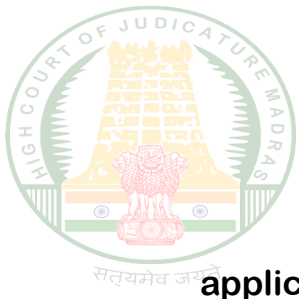
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10. In the present case, several applications have been filed, orders are passed by the Courts also. Thus, the District Revenue Officer is bound to consider all the documents produced by the parties and take a decision independently and uninfluenced by any of the observations made in any of the Court orders regarding the patta proceedings under the Tamil Nadu Patta Passbook Act and the Rules framed thereunder. If any Civil Court judgment and decree are produced, those judgment and decree are to be taken into consideration for the purpose of determining the title or ownership between the parties.

11. As far as the writ Court orders and writ appeal orders relating to patta proceedings are concerned, those observations need not be taken into consideration for the purpose of title / ownership.

12. The writ Court is not expected to decide the disputed issues of civil nature. Such issues are to be decided in a trial nature proceedings by the competent civil Court. If those issues have already been decided by the Civil Court and if any judgments are produced, those judgments is to be taken into consideration by the District Revenue Officer for the purpose of considering the



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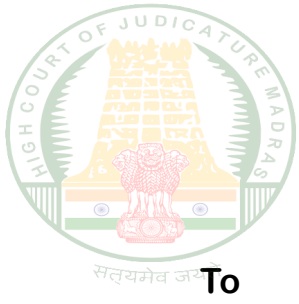
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application. At the outset, the District Revenue Officer shall independently conduct an enquiry by affording opportunity to all the parties and other interested parties approaching the District Revenue Officer to participate in the enquiry proceedings and conduct an enquiry and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

With the above modification, the writ Court order is set aside and the writ appeal stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [M.S.Q, J.]
23.09.2025

Speaking order
Index : Yes
Neutral Citation : Yes
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To
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MOHAMMED SHAFFIQ, J.

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