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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

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

WA No. 2530 of 2021
and
CMP Nos. 16441 & 16443 of 2021

1.M.Sadhuram
2.M.Devdas

Appellant(s)

Vs

1.The District Revenue Officer,
Thiruvallur District,
Chennai Thiruthani Road,
Thiruvallur 602 001.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Ambattur, Chennai 600 053.

3.The Tasildhar,
Madhavaram,
32/4, State Highway, 111 West Garden
Natesan Nagar, Madhavaram,
Chennai – 600 060.

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4.Mr.Pon Bhaskaran

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to allow the above Writ Appeal and consequently set aside the order passed in W.P.No.7771 of 2018 dated 16.04.2021 and consequently allow the Writ Petition.

For Appellant(s): Mr.R.Kumar

For Respondent(s): Mr.D.Ravichandar, SPL.G.P.
For R1 To R3
Mr.A.R.Karthik Lakshmanan
For R4

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The present Intra-Court Appeal has been instituted to assail the writ order dated 16.04.2021 passed in W.P.No.7771 of 2018.

2. The facts in nutshell are that the appellants/writ petitioners were the patta holders initially and the 4th respondent submitted an application for cancellation of patta. The said application came to be allowed and the patta

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stood in the name of the appellants were cancelled. An appeal was preferred by the appellants before the Revenue Divisional Officer (RDO). The Revenue Divisional Officer dismissed the appeal by relegating the appellants to approach the competent Civil Court for the purpose of resolving the civil disputes. Thus, the writ petition came to be instituted. The Writ Court also formed an opinion that the parties have to adjudicate the issues before the competent Civil Court for the purpose of establishing their title. Not satisfied with the writ order, the present writ appeal came to be filed.

3. The learned counsel for the appellants would mainly contend that the patta stood in the name of the appellants for a long time and the appellants are the owner of the subject property. Suddenly, an application was filed by the 4th respondent seeking cancellation of patta, which was allowed without considering the documents produced by the appellants. Pertinently, the appellants were not heard by Appellate Authority. However, it is not in dispute that the Original Authority heard all the parties and recorded the statements of the appellants.

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4. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 would submit that mere cancellation of the patta per se, would not provide a cause for institution of a writ petition, since the title dispute exist between the parties. Unless the dispute is settled, the Revenue Authorities cannot consider the application for grant of patta. That apart, the Civil Court decree produced by the appellants is only a bare injunction and does not provide grounds for granting patta in their name.

5. The learned counsel for the 4th respondent would oppose by stating that the 4th respondent is the owner of the property. He filed cancellation application along with the documents and after due adjudication, the Original Authority canceled the patta, which was confirmed by the Appellate Authority. That being so, the present writ appeal is to be rejected.

6. The Revenue Divisional Officer, in the appellate order, made a finding that the 4th respondent produced documents to establish his purchase of the

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subject property. The 4th respondent filed a civil suit in O.S.No.29 of 2014 seeking for a bear injunction, which was decreed in his favour. However, an appeal was filed in A.S.No.32 of 2015 and the Additional Subordinate Court, Ponneri, allowed the appeal, setting aside the decree and remanded the suit for re-adjudication. Consequently, the suit is currently pending before the Trial Court. The appeal suit was allowed during the pendency of the present writ appeal.

7. Section 3(1) of the Tamil Nadu Patta Passbook Act, 1983, stipulates 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, prima facie ownership must be established to submit a patta application. In the event of any dispute regarding ownership between the parties, then the Revenue Authorities have no option but to relegate the parties to approach Civil Court of law.

8. Section 14 of the Patta Passbook Act denotes "Bar of Suits". Section 14

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Proviso Clause indicates that *"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 (Central Act 47 of 1963); and the entry in the patta pass book shall be amended in accordance with any such declaration"*.

9. Section 4 of the Patta Passbook Act enumerates "Presumption of correctness of entries in the patta, pass book". Section 6 of the Act deals with "Entries in the patta pass book to be prima facie evidence of title". Therefore, any patta proceedings would not confer title per se. It is only to be construed as prima facie evidence but not conclusive.

10. Section 4 in clear terms stipulates that the entries in the patta pass book and the certified copy of entries in the patta pass book shall be presumed to be true and correct until the contrary is proved or a new entry is lawfully substituted therefor. This provision is to be read along with Section 14 Proviso

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Clause and with Section 6 which denotes that the patta is a prima facie evidence but not conclusive.

11. In the present case, admittedly, civil dispute exists and the suit for bare injunction filed was now remanded back by the Appellate Authority and is pending before the Trial Court. Thus, the parties have to establish their respective civil rights before the competent Civil Court. The findings of the Revenue Authorities that the parties have to resolve the issues through the Civil Court of law is in consonances with the provisions of the Patta Passbook Act and the Rules framed thereunder.

12. It is made clear that the Revenue Authorities are incompetent to adjudicate the title dispute nor give a finding regarding ownership in respect of any property. That being so, this Court is not inclined to interfere with the orders impugned. However, the Revenue Authorities/respondents are directed to keep all the patta proceedings in abeyance, till such time the civil disputes are resolved between the parties through the competent Civil Court of Law. After

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reaching finality, either of the party may file an application under the Patta Passbook Act for grant of patta, and to be considered in accordance with the Act and Rules, if filed.

13. With these observations, this Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.) (C.SARAVANAN J.)
01-09-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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