



W.P. No.21217 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 21.07.2025

Order pronounced on: 17.10.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.21217 of 2025

and

W.M.P.Nos.23964, 23966 and 23968 of 2025

1. Bharathy

2. Sujatha

3. Sundari

4. Rajakumari

... Petitioners

Vs.

1. The Commissioner of Land Administration,
Chepauk, Chennai 600 005.

2. Special District Revenue Officer,
SIPCOT, Mannellur, Phase III,
Thiruvalluvar District.

3. District Collector,
Thiruvallur,
Thiruvallur District.

4. The Secretary to Government of Tamil Nadu,
Industries SIPCOT (LA) Department,
Fort St.George, Chennai 600 009.



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5. The Chairman and Managing Director,
SIPCOT, No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent, pertaining to impugned award bearing Ref.No.Na/Ka.No.170/2023/A1/Tha.Ma.Va.A/Thiruvallur (Award No.14/2025 V.No.9 Alagu 8 Block 8) dated 11.04.2025 received by the petitioners on 26.04.2025, quash the same as arbitrary, illegal and in violation of principles of natural justice and consequently deposit the compensation amount of Rs.4,58,82,539 (Rupees Four Crores, Fifty Eight Lakhs, Eighty Two Thousand, Five Hundred and Thirty Nine Only) directly into the bank accounts of the petitioners while preserving the rights of the petitioners to seek enhanced compensation in the manner known to law.

For Petitioner(s) : Mr.T.Mohan, Senior Counsel
for Mr.Vikram Veerasamy

For Respondent(s) : Mr.A.Selvendran,
Special Government Pleader
for R1 to R4

Mr.Abhishek Murthy,
Government Advocate
for R5

ORDER

The present writ petition has been filed challenging the impugned award dated 03.04.2025, though wrongly stated as 11.04.2025 in the writ petition*, insofar as it finds that petitioners failed to establish that ownership over subject property acquired for industrial purposes vest



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with the petitioner's inasmuch as documentary evidence was not produced by petitioners to show how classification of subject property changed from "Government poromboke" to "patta" and thus not entitled to compensation. The writ petition also seeks a direction to deposit the compensation determined with liberty being sought to claim enhanced compensation.

2. Brief Facts:

2.1. Petitioners herein are joint owners of the property bearing S.No.253/2 measuring an extent of 2.02.50 hectares situated in Madharpakkam Village, Gummidipoondi Taluk, Thiruvallur District (hereinafter referred to as the "subject property"). The core issue being whether subject property is patta land owned by petitioners (or) Government Poromboke, it is necessary to trace the devolution of title of "*subject property*" to resolve the controversy.

2.2. Devolution of title to subject property is set out below:

(i) Lands in S.No.253/2 measuring an extent of 2.02.50 hectares situated at Madarpakkam Village, Gummidipoondi Taluk, Thiruvallur District were originally owned by one R.Radhakrishnan vide Sale Deed



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dated 29.01.1977 registered as Doc.No.47 of 1997 in the office of Sub-Registrar Gummidipoondi, who sold the subject property to one K.A.Usman Sahib vide Sale Deed dated 15.11.1980, registered as Document No.1863 of 1980, in the office of the Sub-Registrar, Gummidipoondi. Subsequently, the said K.A.Usman Sahib sold the subject property to one M.A.Susairaj @ Rajendra Prasad vide Sale Deed dated 01.03.1982, registered as Document No.283 of 1982, in the office of the Sub-Registrar, Gummidipoondi who in turn sold the subject property to one S.A. Fernandez who is late father of petitioners no.1 to 3 and husband of petitioner no.4 vide Sale deed dated 09.09.1996, registered as Doc.No.1896 of 1996, in the Office of Sub-Registrar, Gummidipoondi, from whom the subject property devolved upon petitioners after his demise. The subject property have always been patta lands as evident from the UDR which stood in the name of Janaki Bai vide Patta No.434. Further, Patta bearing No.434 was issued in the name of M.A.Rajendra Prasad. Subsequently, upon sale, patta was mutated S.A.Fernandez in respect of subject property vide Patta No.956. At present, patta stands in the name of petitioners vide Online patta No.4045.



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2.2.1. Having set out the devolution of title of subject property, I

shall now briefly set out the acquisition proceeding in respect thereof.

2.3. Acquisition proceedings:

2.3.1. 2nd respondent published a Gazette Notification No.238 dated 22.07.2024 in the Tamil Nadu Government Gazette under the provisions of Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (hereinafter referred to as “the Act”), wherein the subject property, along with several other parcels of land aggregating a total extent of 11.08.50 hectares, were notified for acquisition for establishment of an industrial park viz., Manellur SIPCOT Industrial Park under the aegis of the State Industries Promotion Corporation of Tamil Nadu (SIPCOT), the 5th respondent / requisitioning body.

2.3.2. In the said Gazette Publication issued under Section 3(1) of the Act, petitioners name were specifically shown in the Notification as owners of the subject property and the subject property was classified under the category "Dry Lands" under the column titled 'Type of Land', thereby establishing petitioners status as lawful owners and 'person interested' in respect of subject property.



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2.3.3 Thereafter, petitioners herein received a Show Cause Notice under Section 3(2) of the Act , issued by 2nd respondent vide R.C. No. 44/2023/A1/SPL DRO/Tiruvallur, dated 31.07.2023, on 14.08.2023. Petitioners were called upon to submit objections, if any, to the proposed acquisition of the subject property for industrial purposes. In response petitioner submitted detailed objections along with documentary evidence inter-alia including those relevant to establish title to the properties sought to be acquired, vide representation dated 18.08.2023, though title of petitioners were not doubted by any authorities at that stage.

2.3.4. Pursuant thereto a communication dated 27.08.2024 was issued by 2nd respondent calling upon petitioner to appear before the 2nd respondent for a personal hearing scheduled on 20.09.2024. The said communication directed petitioner to produce all relevant documents pertaining to the subject property at the time of hearing. On 20.09.2024 petitioners appeared before the 2nd respondent and submitted title documents including patta and other revenue records, evidencing lawful ownership and possession of subject property and establishing the fact that petitioners herein are the lawful and absolute owners of the subject property.



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2.3.5. During the said personal hearing, petitioners were informed of the provisions contained in Section 7(2) of the Act, whereby compensation may be determined based on an agreement between the Government and the person to whom the amount has to be paid. While petitioners expressed their willingness to consider such a negotiated settlement, it was conveyed by the petitioners that such negotiation would be contingent upon the State offering a fair, just and reasonable compensation for the land and the trees appurtenant thereto and orally proposed that a sum of Rs.10,00,00,000/- (Rupees Ten Crores Only) be paid as aggregate compensation for the land as well as the standing trees and other assets situated thereon. Concerned authorities informed petitioners that the response of the State Government would be communicated in due course, after appropriate valuation of the trees is undertaken by the Department of Forest, Government of Tamil Nadu.

2.3.6. Whiles, 2nd respondent issued a further notice dated 14.11.2024, calling upon petitioners to appear on 29.11.2024 and to produce the requisite documents in support of their claim. Though all relevant documents had already been submitted by petitioners during the earlier personal hearing held on 20.09.2024. Petitioners appeared before the 2nd respondent on 29.11.2024 and furnished relevant documents,



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including registered title deeds, title documents pertaining to the erstwhile owners, patta and other revenue records substantiating lawful title and continuous possession of the petitioners over the 'subject property'.

2.3.7. Petitioners, were informed that compensation in respect of the subject property has been fixed as Rs.50 Lakhs per acre as per the flat rate G.O.(MS) No.46 dated 15.03.2024.

2.3.8. 2nd respondent passed the impugned award bearing Ref. No. Na/Ka.No.224/2023/A1/Tha. Ma. Va.A/Thiruvallur (Award No. 12/2025) dated 03.04.2025, wherein compensation of Rs.2,60,85,556/- (Rupees Two Crores Sixty Lakhs Eighty Five Thousand Five Hundred and Fifty Six Only) was determined towards acquisition of subject property. Importantly, impugned order proceeds to states that petitioner having failed to establish how “*subject property*” was classified as “*patta land*” from Government Poromboke” and thus petitioners are not entitled for the compensation. Aggrieved, the present writ petition has been filed before this Court.



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3. Case of the Petitioner:

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(i) That the impugned award wherein the 2nd respondent has observed that petitioners failed to produce adequate records to establish how the subject properties came to be classified as "patta land" from 'அரசபுறம்போக்கு' (Government Poramboke Land), is contrary to facts, wholly erroneous and bereft of any foundational material, documentary evidence, or even prima facie justification.

(ii) That petitioners are the owners of the subject property and thus would qualify as a 'person interested' within the meaning of Section 3(h) of the Act.

(iii) That petitioners did not agree to the said amount fixed under Section 7(2) of the Act. Respondent thus ought to initiate steps under Section 7(3) of the Act and proceed with determination of the compensation amount. Section 7(5) of the Act, mandates that 2nd respondent shall finally determine the amount, after affording every person to whom the amount has to be paid an opportunity to state their case with regard to fixation of compensation. That the 2nd respondent acted in excess of the power vested with him under Section 7(3) of the Act, by observing that the petitioners failed to produce records to



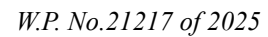
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establish how the subject property came to be classified as "patta land" from 'அரசுபுறம்போக்கு' (Government Poramboke Land).

(iv) That the role of the 2nd respondent, under Section 7 of the Act, is strictly limited to determining the compensation amount and nothing beyond. Powers vested in 2nd respondent under Section 7 of the Act are intended exclusively to aid in the determination of compensation and not for the purpose of determination of title.

(v) That for the purpose of determination of compensation under Section 7(3) of the Act, the 2nd respondent may call for materials as contemplated under Section 7(7) of the Act. Documents referred to under Sections 7(7) and 7(8) are solely for the purpose of determination of compensation and have no bearing on questions relating to title or entries in revenue records.

(vi) That 2nd respondent does not possess the power to call for document pertaining to title. In any view petitioners have demonstrably established their clear and unambiguous title to the subject property, having been in continuous and uninterrupted possession for over five decades, as substantiated by registered title deeds, revenue records, and valid patta. In the absence of any material to the contrary, it was



(vii) That the impugned award suffers from the vice of unreasonableness and is ex-facie arbitrary, harsh, and illegal stands vitiated by non-application of mind and is liable to be set aside as being violative of Article 14 of the Constitution of India.

(viii) That all communications including the public notice, Show Cause Notice under Section 3(2) of the said Act dated 31.07.2023 and subsequent hearing notices were addressed to and served upon the petitioners, thereby reaffirming their status as lawful owners and 'persons interested'.

(ix) That 2nd respondent after conducting enquiry under Sub-Section (2) of Section 3 of the Act and after passing an order under Section 3(3) of the Act, had placed all the materials before the Government for its consideration and the Government, after considering the objection given by the petitioners as well as the other land owners, scrutinizing the documents and the comments made by the 2nd respondent, had taken the decision to publish the notification under Sub-Section (1) of Section 3 of the Act for acquiring the land. 1st respondent, after due verification and satisfaction regarding the petitioners' title, had



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issued a Notification under Section 3(1) of the Act, showing the petitioners names. Thus respondents having recognized petitioners title over subject property cannot subsequently undermine or contradict the same.

(x) That the acquisition proceedings undertaken by the 2nd respondent are a direct and logical consequence of the said Notification under Section 3(1) of the Act, which continues to remain valid and binding. Therefore, any contrary stand if taken including erroneous classification of the lands as Government Poramboke would render the impugned award arbitrary, perverse, and unsustainable.

(xi) That the 2nd respondent has acted beyond the scope of his authority in unilaterally disputing the petitioners' title to the subject property. Petitioners have established unbroken title and possession for more than fifty years, supported by documentary evidence including registered sale deeds, patta, and revenue records.

(xii) That as per Rule 6(a) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001, at the stage of issuing the show cause notice and upon receipt of the Petitioners' objections, the 2nd respondent was empowered to summarily reject the objections if petitioners are person found to have no interest in the subject land,



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instead respondent invoked the procedure under Rule 6(b) and 6(c) of the Tamil Nadu Acquisition of Land for Industrial Purposes Rules, 2001 and by communication dated 27.08.2024, called upon the petitioners to appear for a personal hearing on 20.09.2024 and produce all relevant documents in support of their claim. This act by itself is a clear acknowledgment that the petitioners are persons having a legitimate interest in the subject property.

(xiii) That after crossing the above stages and having published Gazette Notification No.238 dated 22.07.2024 under the provisions of Section 3(1) of the Act, 2nd Respondent is now estopped from questioning title or classification of the subject property moreso, while exercising his powers under Section 7 of the Act which is meant for determination of compensation is arbitrary, without jurisdiction, and vitiated by malice.

(xiv) That in land acquisition proceedings, it is trite law that compensation must be awarded to the persons in whose names the lands are notified under Section 3(1) of the Act. In the instant case, the Petitioners' names were mentioned in the said Notification, thus are rightful claimants for compensation.



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4. Case of the Respondent:

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4.1. The learned Additional Advocate General would submit that on verification of revenue records it was found that land in Survey No.253 was classified as 'Government Poramboke Anadeenam' in the Settlement Land Register of 1956 of Madharpakkam village, Gummidipoondi Taluk, Tiruvallur district. Subsequently, it was updated in the 'A' register as 'Ryot punjai' and patta was issued in the name of petitioners predecessor's in title. However petitioners has not submitted any document to show as to how the 'Government Poramboke land / Anadeenam land' was converted to 'Ryot land'. It is in those circumstances that the compensation amount was deposited with the civil court.

4.2. That the mere fact that the respondent authorities had proceeded on the basis that the subject property belongs to the petitioners under the acquisition proceedings until it reached the stage of Section 7 by itself would not estop authorities from questioning the title. The authorities under the Act are questioning the title only in view of the fact that the lands were originally classified as 'Anadeenam land' and the petitioner claiming it to be a patta land had not produced any material evidence to show the basis for such change in classification of land.



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5. Heard both sides. Perused the materials on record.

6. Before proceeding further it is necessary to note that both the learned counsel for petitioner as well as for the respondents would submit in unison that the issues raised in the present writ petition and in W.P.No.21220 of 2025 are similar if not identical and the orders of this Court in W.P.No.21220 of 2025 would cover the present writ petition as well. In view of the above submissions it may be relevant to extract the relevant portion of order in W.P.No.21220 of 2025 dated 17.10.2025:

“6. The question that arises for consideration is as to whether the impugned order denying compensation under Land Acquisition proceeding doubting petitioners title/ownership over the subject properties only on the premise that petitioners had not produced documents to show the basis for change in classification of subject properties from “Government Poramboke” to “Patta” can be sustained or stands vitaited.

6.1. To answer the above question it may be relevant to refer to the relevant portion of the impugned order which reads as under:

“புல எண். 256/4A, 257/1A, 257/3ல் மேற்பண்ட பட்டாதாரர் 7(2) விசாரணையின் போது நிர்ணயிக்கப்பட்ட இழப்பீட்டினை பெறுவதற்கு ஒப்புதல் அளிக்கவில்லை. மேலும் மேற்படி புல எண் அரசு புறம்போக்கு நிலமாக இருந்து பட்டா நிலமாக மாறியதற்கான உரிய ஆவணங்களை சமர்ப்பித்து உரிமையினை நிலை நாட்டாத



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காரணத்தினால் மேற்கண்ட நிலத்திற்கான இழப்பீட்டுத் தொகையினை வழங்கிட மார்க்கமில்லை. எனவே இழப்பீட்டுத் தொகையை நிலம் கையகப்படுத்துதலில் நியாயமான சரியீடு மற்றும் ஒளிவு மறைவின்மை மறுவாழ்வு மற்றும் மறுகுடியமர்வு உரிமைச்சட்டம் 2013 ன் கீழ் மேல் நடவடிக்கை தொடரும் பொருட்டு மேற்படி புலத்திற்கான இழப்பீட்டுத் தொகையை மாவட்ட முதன்மை நீதிமன்றம், திருவள்ளூர்-ல் வைப்பீடு செய்து உத்தரவிடப்படுகிறது.”

6.2. *On reading of the above portions of the impugned order the following aspects would emerge:*

i) *Petitioners has not agreed/consented to the compensation offered under Section 7(2) of the Act.*

ii) *Petitioners has not produced evidence to show how classification of subject properties was altered/changed from Government Poromboke (counter states as Government Poromboke Anadheenam) to Patta land, thus compensation cannot be paid to petitioners.*

iii) *Compensation is deposited in the concerned Civil Court.*

6.3. *It appears to me that the impugned proceedings is misconceived and stands vitiated for the following reasons:*

7. *Classification of land in revenue records – Not conclusive of Title :*

7.1. *The entire case of the State is built on the basis of an entry in the Settlement Register 1956 of Madharpakkam village, Gummidipoondi Taluk, Tiruvallur District wherein it stated that subject properties are classified as “Government Poramboke”. It may thus be necessary to examine the relevance of such entry in*



determining title over property. It is trite law that classification of land in revenue records are not dispositive or conclusive of title. In this regard it may be relevant to refer to the judgment of Supreme Court in the case of *Narasamma v. State of Karnataka*, reported in (2009) 5 SCC 591. The relevant portion is extracted here under:

*“29. So far as the decision of a learned Judge of the Bombay High Court in *Rita Premchand v. State of Maharashtra* [(2001) 4 Mah LJ 671] is concerned, there is no dispute about the proposition enunciated in the said decision which says that the entries in the revenue records are not dispositive or conclusive on questions of title and that the revenue record cannot create any title and are relevant only for fiscal purposes. This proposition is not disputed, nor can we dispute it.”*

(emphasis supplied)

7.2. The Settlement Land Register of the year 1956 which is claimed to show/classify the subject properties as “Government Poramboke”, on the basis of which the State has doubted the ownership of the petitioners is not conclusive of title. In this regard, it may be relevant to refer to the following judgment of the Apex Court in *State of A.P. v. Hyderabad Potteries (P) Ltd.*, reported in (2010) 5 SCC 382 wherein while rejecting the States claim to title over a particular property on the strength of entry in TSLR it was found such entry as not conclusive of title. The relevant portion is extracted hereunder:

“26. The sole basis of the appellant to claim the land was on the strength of entries made in survey records showing that the



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schedule property was surveyed as TS No. 4/2, Ward No. 66 of Bakaram Village having an area of 19,214 sq m showing it as a gap area i.e. unsurveyed area as per the old survey records and as such it could only be declared to be government land as has been recorded in Column 20 of TSLR. Apart from the said revenue record and issuance of gazette notification as mentioned hereinabove, no other material document was filed by the appellant to show that the said land belonged only to the Government. It is trite that entry in the revenue record alone may not be sufficient as conclusive proof of title nor can be relied on for proof of establishing the title as such.

7.3. This Court in the case of N.S.Kuppusway Udayar v. Narthangudi Panchayat, reported in 1971 (1) MLJ 190, observed that a entry in the settlement register would not establish title of the Government. The above view was reiterated in the case of A.R.Meenakshi v. State of Tamil Nadu, reported in 2013 SCC OnLine Mad 1757. The relevant portion of which reads as under:

“11. In N.S.Kuppuswamy Odayar v. Narthangudi Panchayat [1971 (1) MLJ 190 : (1971) 84 L.W. 120], it was held by M.M. Ismail, J that the mere fact that in the re-settlement register, a particular piece of land has been described as poramboke, will not, by itself, establish title of the Govemmeni to the land in question.”

7.4. From a reading of the above judgments it appears to me that classification in revenue records including Settlement



Land Register are not dispositive nor conclusive of title, thus the State's denial of petitioners title and consequential denial of compensation on the strength of the above reasons appears to lack merit.

8. Relevance of Entries in Patta Pass Book:

8.1. On the other hand it is relevant to note that subject properties are classified as “patta lands” for more than 4 decades and there have been multiple sale transactions registered under the Registration Act. It thus becomes necessary to examine the relevance of patta which is in the name of the petitioners and their predecessors in title for over 4 decades, in determining title.

8.2. To answer the question it may be relevant to refer to Section 2(4), 2(5), 2(6), 3, 4 and 6 of Patta Passbook Act which reads as under:

i) Section 2(4), 2(5) and 2(6) of Patta Pass Book Act, 1983:

“2. Definitions.—In this Act, unless the context otherwise requires-

.....

(4) "land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes sub-servient thereto and is either assessed to land revenue in the State or is subject to a local rate assessed and collected by officers of the Government as such and includes horticultural land, forest land, garden land and plantations, but does not include house-site;



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(5) "limited owner" 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;

(6) "Owner" means any person holding land in severalty 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 mortgage; lessee or a tenant;”

ii) Section 3 of Patta Pass Book Act, 1983:

“3. Issue of patta pass book.—

(1) 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. Any application received under this section shall be acknowledged by the Tahsildar or any other officer authorized by him in this behalf.”

iii) Section 4 of Patta Pass Book Act, 1983:

“4. Presumption of correctness of entries in the patta pass book.— 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



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correct until the contrary is proved or a new entry is lawfully substituted therefor.”

iv) Section 6 of Patta Pass Book Act, 1983:

“6. Entries in the patta pass book to be prima facie evidence of title.— The entries in the patta pass book issued by the Tahsildar under section 3 shall be prima facie evidence of title of the person in whose name the patta pass book has been issued to the parcels of land entered in the patta pass book, free of any prior encumbrance ,unless otherwise specified therein.”

8.3. A reading of Section 2(4), 2(5), 2(6), 3 read with Section 4 and 6 of Patta Passbook Act, would show that Patta is issued under Section 3 of the Patta Passbook Act, to every owner in respect of the land owned by them. Importantly, Section 4 of Patta Passbook Act provides that the entries in the Patta Passbook “shall be presumed to be true and correct until the contrary is proved”. While Section 6 of Patta Pass Book provides that entries in Patta Pass Book issued by Tahsildar under Section 3 “shall be prima facie evidence of title of the person in whose name patta is issued”. It may thus be necessary to understand the scope and purport of the presumption under Sections 4 and 6 of the Patta Pass Book Act.

9. Role of Presumptions :

9.1. To appreciate the scope of the expression “shall be presumed”, employed in Section 4 of Patta Pass Book Act, it is necessary to consider Section 4 of Evidence Act, which provides



for three categories of presumption viz., “may presume”, “shall presume” and “conclusive proof”. Section 4 of Evidence Act reads as under:

“[S 4] “May presume”. - Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

“Shall presume”. - Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

“Conclusive proof”.- When one fact is declared by this Act to be conclusive proof of another; the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it”

9.2. Before proceeding to deal with the nature and purpose of the different categories of presumptions, it may be relevant to briefly set out the purpose of presumptions in some detail inasmuch as controversy in the present writ petition may well have to be decided on the basis of presumption, its nature and scope under the Patta Pass Book Act, particularly with reference to sections 4 and 6 of the said Act.

9.3. It is trite that presumption is a rule of law under which courts are authorised to draw a particular inference from a particular fact¹. Presumptions are devices by use of which courts are enabled and entitled to pronounce on an issue notwithstanding that there is no evidence or insufficient evidence.

¹ PR Metrani v CIT, Bangalore, (2007) 1 SCC 789



Presumption literally means "taking as true without examination or proof"². A presumption means a rule of law that courts and judges shall draw a particular inference from a particular fact, or from a particular evidence, unless and until the truth of such inference is disproved. Presumptions are of two kinds, (1) Presumptions of fact, (2) Presumptions of law. Presumptions of fact or natural presumptions are inferences which are naturally and logically drawn from experience and observation of the course of nature, the usages and habits of society. These presumptions are generally rebuttable. Presumptions of law are based, like presumptions of fact, on the uniformity of deduction which experience proves to be justifiable; they differ in being vested by the law with the quality of a rule, which directs that they must be drawn, they are not permissive like natural presumptions, which may or may not be drawn; and presumptions of law again differ in their force, according as they may be rebuttable or irrebuttable. Presumption of Law in reality are rules of law and part of the law itself and court may draw the inference whenever the requisite facts are before it.

9.4. Having examined the role of presumptions, now coming to the three categories of presumption, it is trite that whenever legislature chooses to employ the expression "may presume" a fact, Court has discretion to presume the fact as proved or to call for confirmatory evidence of such fact. "Shall presume", if employed by legislature, it leaves no room for any discretion with the Court but to presume such fact as proved until disproved with evidence. The word "conclusive proof" when

² Kumar Exports v Sharma Carpets, (2009) 2 SCC 513



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employed, Court shall not allow evidence to disprove the same. I have examined the scope of the expressions “may presume”, “shall presume” and “conclusive proof” in Section 4 of Evidence Act only to show the different consequences that follow from use of such expressions by the legislature.

10. Scope of the presumption under Section 4 of Patta Pass Book Act: 10.1. Having examined the purpose of presumption in general and the scope of 3 categories of presumptions under Evidence Act, I shall now proceed to examine the nature and scope of the expression “shall be presumed”, employed in Section 4 of Patta Pass Book Act, in greater detail. The presumption in Section 4 of Patta Pass Book Act, is no doubt a “presumption of law”. Section 4 of Patta Pass Book Act, provides that entries in the Patta Pass Book Act “shall be presumed to be true and correct until contrary is proved”. The presumption under Section 4 of Patta Pass Book Act, leaves no discretion with the Court instead manifests a legislative command to presume such fact as proved i.e., entries in Patta Pass Book Act “as true and correct unless and until disproved”. In other words, in view of Section 4 of Patta Pass Book Act, there is a statutory obligation to presume that entries in Patta Pass Book Act are true and correct and burden is on the party challenging / questioning the correctness of entries in the Patta Pass Book Act, in the present case State to disprove the same. Legislature has used the expressions “shall be presumed that entries in the Patta Pass Book Act are true and correct until the contrary is proved”, conscious of the legal consequences viz.,



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that authorities/Courts have no discretion but must necessarily presume the entries in the Patta Pass Book Act as true and correct until contrary is disproved. It may be relevant rather necessary to note that Section 4 of Patta Passbook Act has come up for consideration before this Court and has been explained as under:

i) Kulandai Therasammal v. Maria Rathinam, reported in 2012 SCC OnLine Mad 4216 :

“15. A careful reading of the decisions relied on by either side would reveal that even though Patta is not a document of title it is an evidence of title and also reveals that presumption of correctness of entry in Revenue Records cannot be rebutted by a statement in the Written Statement. In the instant case as already stated, joint Patta was granted during the Survey Settlement period and also at the time of UDR Scheme and no proper explanation was given by the Appellant/Plaintiff that why joint Patta was granted in the name of both if really the entire property belonged to the vendor of the Plaintiff. Therefore, the contention of the Appellant/Plaintiff is that Patta is not a document of title and hence, the Defendants are not entitled to the property cannot be accepted.”

ii) Iyyakannu v. Subramanian, reported in 2012 SCC OnLine Mad 1150 :

“18. It is not out of place for this Court to point out that Section 4 of the Tamil Nadu Patta Passbook Act provides that the entries in the Patta Passbook and the certified copies of the entries in the Patta Passbook shall be presumed to be true and



correct until the contrary is proved or a new entry is lawfully substituted therefor...”

(iii) Sreenivasan (died) and others v. Ramakrishnasamy @ Ramakrishnan and others in the case of S.A.(MD).No.244 of 2021 :

“11.Under section 4 when there is presumption that the entries are true and correct, then the burden is on the person who denies such entry. In the present case the plaintiff had admitted that the S.No.194/1A is entered in the patta passbook issued to the 1st defendant on 21.12.1996 and also admitted that he is aware of the such entry in the patta passbook. Then the burden is on the plaintiff to prove that the entry is incorrect. As held supra when the plaintiff and 1st defendant are brothers residing under same roof and the 1st defendant remaining exparte and the statutory presumption under section 4 is available to the 4th defendant, then adverse inference ought to be drawn against the plaintiff and the 1st defendant. Further the same is only collusion. But the Courts below had failed of analyse the case in the angle of collusion. Further the Courts below had not taken the plea of adverse inference. Hence the courts below had erred.”

10.2. Keeping in view the law on presumption under Evidence Act and Section 4 of Patta Pass Book Act, which provides that entries in Patta Pass Book “shall be presumed to be true and correct until contrary is proved”, this Court finds in view of the admitted fact that patta was in the name of petitioners and their predecessors in title for over 4 decades, burden is on



the State which is questioning the correctness thereof to disprove the same by letting in cogent and material evidence. The impugned order ignores the statutory presumption under Section 4 of Patta Pass Book Act, and denies right to compensation ingrained in Article 300A of the Constitution by proceeding on the premise that petitioners had not let in evidence to show as to how the subject property's classification stood altered / changed from “Government poromboke” to “patta land”, an enquiry wholly misplaced. The impugned order stands vitiated for ignoring the statutory presumption and shifting the burden on the petitioners contrary to Section 4 of Patta Pass Book Act.

11. Relevance of Section 6 of Patta Pass Book Act:

11.1. Section 6 of Patta Pass Book Act provides that entries in Patta Pass Book Act issued by Tahsildar “shall be prima facie evidence of title”. It may be relevant to refer to the following judgments to appreciate the scope and purport of the expression “prima facie evidence of title” employed in Section 6 of the Patta Pass Book Act.

i) Iyyakannu v. Subramanian, reported in 2012 SCC OnLine Mad 1150 :

“18. ... Section 6 says that the entries in the Patta Passbook issued by the Tahsildar as per Section 3 shall be prima facie evidence of title of the individual in whose name the Patta Passbook has been issued to the parcels of land entered in the Patta Passbook free of any encumbrance, unless or otherwise specified therein.”



ii) *Anees v. State (NCT of Delhi)*, reported in (2024) 15 SCC 48 :

“50. The Latin expression “prima facie” means “at first sight”, “at first view”, or “based on first impression”. According to Webster's Third International Dictionary (1961 Edn.), “prima facie case” means a case established by “prima facie evidence” which in turn means “evidence sufficient in law to raise a presumption of fact or establish the fact in question unless rebutted”.

(iii) According to the *Black's Law Dictionary*, 10th Edition Pg.677:

“Evidence that will establish a fact or sustain a judgment unless contradictory evidence is produced”.

11.2. From the above, it would appear to me that by virtue of Section 6 of the Patta Pass Book Act, patta being in the name of the petitioners and their predecessors in title for over 4 decades, it must be treated as prima facie evidence of title of petitioners over subject properties.

12. Relevance of possession in determining ownership / title in terms of Section 110 of the Evidence Act, 1872:

12.1. Yet another legal aspect which assumes relevance/significance in the facts of the present case is Section 110 of the Evidence Act, which provides that burden is on the person who affirms that person in possession is not the owner, to prove the same. Section 110 of Evidence Act reads as under:



“[S 110] Burden of proof as to ownership - When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.”

12.2. Section 110 of the Evidence Act, is based on the principle that possession in and of itself may raise a presumption of title. It embodies the well known principle that possession follows title. Admittedly, in the present case possession for more than 41 years was with petitioners and their predecessors in title. While the above presumption is rebuttable the burden of proving that the person in possession is not the owner is on the person who so claims/affirms, in the present case the State. In this regard it may be relevant to refer to the following judgments;

i) Chief Conservator of Forests v. Collector, reported in (2003) 3 SCC 472:

“22. The pattedars proved their possession of the lands in question from 1312 Fasli (1902 AD) as pattedars. There is long and peaceful enjoyment of the lands in question but no proof of conferment of patta on the late Raja and the facts relating to acquisition of title are not known. The appellant State could not prove its title to the lands. On these facts, the presumption under Section 110 of the Evidence Act applies and the appellants have to prove that the pattedars are not the owners. The appellants placed no evidence on record to rebut the presumption. Consequently, the pattedars' title to the land in question has to be upheld.”



(ii) *T Vatticherukuru Village Panchayat v. Nori Venkatarama Deekshithulu*, reported in 1991 Supp (2) SCC 228 :

"14. Undoubtedly, a presumption of an origin in lawful title could be drawn, as held in *Syed Md. Mazaffaralmusavi v. Bibi Jabeda Khatun*, that the court has so often readily made presumption in order to support possessory rights, long and quietly enjoyed, where no actual proof of title is forthcoming. It is not a mere branch of the law of evidence. It was resorted to because of the failure of actual evidence. The matter is one of presumption based upon the policy of law.

.....

The longer the period within which and the remoter the time when first a grant might be reasonably supposed to have occurred the less force there is in an objection that the grant could not have been lawful....."

12.3. *It thus appears to me that in view of the admitted fact that petitioners and their predecessors in title have been in possession of subject properties for over 4 decades, presumption under section 110 of Evidence Act would get attracted, thus burden is on the State to displace such presumption.*

13. *Burden of Proof – Its significance – Degree of proof to discharge - Consequence on failure to discharge:*

13.1. *From the above discussion it is clear that, there is a presumption in favour of petitioners title to subject properties in view of Section 4 and 6 of the Patta Pass Book Act and Section 110 of Evidence Act and burden is on the party questioning the*



same ie., the State in the present case. It may thus be necessary to examine in some detail the relevance of burden of proof and the effect of failure to discharge the burden.

13.2. Now coming to burden of proof, it means two different things. It means that a party is required to prove an allegation before judgment can be given in its favour; it also means that on a contested issue one of the two contending parties has to introduce evidence. The burden of proof is of importance where by reason of not discharging the burden which was put upon it, a party must eventually fail. It is the burden of establishing the facts and contentions which will support a party's case. If at the conclusion of the trial he has failed to establish these to the appropriate standard, he will lose.³

14. Having examined the relevance of patta, possession and the legal presumptions which it raises in relation to title/ownership and that burden is on the party challenging the above presumption to disprove the same. I would think the next aspect which may have to be examined is the quality of evidence and the degree of proof required, to discharge the burden / displace the presumption provided under Section 4 and 6 of Patta Pass Book Act and Section 110 of the Evidence Act as a result of the fact that admittedly patta in respect of the subject properties have stood in the name of the petitioners and their predecessors in title over 4 decades, while possession of subject properties was admittedly with petitioners and their predecessors in title for over 4 decades.

3. C.Abdul Shukoor Saheb v. Arji Papa Rao, AIR 1963 SC 1150: Narayan Bhagwatrao Gosavi Balajiware v. Gopal Vinayak Gosavi and others, 1959 SCC OnLine SC 54 : iii) Kalwa Devadattam v. Union of India, 1963 SCC OnLine SC 121



15. *While dealing with the degree of proof that is required to displace the burden/displace the presumption under Section 4 and 6 of Patta Pass Book Act and Section 110 of Evidence Act, it is necessary to bear in mind that this Court is dealing with petitioners' right to property, a constitutional right which provides that while compulsory acquisition rooted in power of eminent domain may enable the Government to acquire lands, however, it is trite that even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition are mandated. Although not explicitly contained in Article 300-A, these twin requirements have been read in and inferred as necessary conditions for compulsory deprivation to afford protection to the individuals who are being divested of property.*⁴

16. *I would think the burden on the State to disprove the presumption under Section 4 and 6 of the Patta Pass Book Act and 110 of the Evidence Act is onerous and it is incumbent on the State to produce evidence which are cogent, material, clear and direct to discharge the burden and displace the legal presumptions. It is not mere suspicion or spurious claim or evidence that is weak, nebulous and shaky that would be adequate to displace the burden keeping in view the following aspects in the instant case viz.,*

4. State of Bihar v. Kameshwar Singh, (1952) 1 SCC 528; Kolkata Municipal Corpn. v. Bimal Kumar Shah, (2024) 10 SCC 533;



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a) *Statutory presumption under Section 4 of Patta Pass Book Act.*

b) *Statutory presumption under Section 110 of Evidence Act.*

c) *For 40 years land being treated as patta land.*

d) *More than 4 sale registered under the registration Act by treating the property as patta land.*

e) *Conduct of authorities during land acquisition proceedings.*

17. Legality of Impugned order vis a vis Statutory presumption - Burden :

17.1. From the above discussion it appears that State has not produced any evidence much less cogent, material and direct to discharge its burden to displace the legal presumptions arising out of documents and other material evidence produced by the petitioners in the form of patta, sale deeds and documents showing title and possession of petitioners over the subject properties. I find the State except for asserting that these are "Government Poromboke Anadheenam" has not produced any files, records or any evidence to support its claim that the subject properties are Government Poromboke. State has failed to discharge the burden.

17.2. Apart therefrom the impugned order has also erred in mis-placing the burden of proof by calling upon the petitioners to let in evidence to demonstrate how the classification of land stood altered from Government Poromboke to patta lands. It appears to me the burden is on the State to prove that these are



Government lands. I would also think the very fact that the Government has not come forward to disclose any material to show how the classification of land was altered / changed from Government Poromboke to patta would require this Court to draw an adverse inference inasmuch as State is the custodian of revenue records thus the basis for altering / change of classification of subject properties from “Government Poromboke” to “patta land” ought to be established by the State. The State has failed to produce any records / files in respect thereof, instead it shifts the burden to the petitioners by calling upon the petitioners to produce records showing the basis of the above alteration / change in classification. This, I would think vitiate the proceedings for misplacing the burden⁵. That apart, this Court is compelled to draw an adverse inference against the State which is the custodian of revenue records for not producing the same. The following judgments are relevant in this regard:

i) State (Inspector of Police) v. Surya Sankaram Karri, reported in (2006) 7 SCC 172:

“18. It is now well settled that when a document being in possession of a public functionary, who is under a statutory obligation to produce the same before the court of law, fails and/or neglects to produce the same, an adverse inference may be drawn against him. The learned Special Judge in the aforementioned situation was enjoined with a duty to draw an adverse inference. He did not consider the question from the point of view of statutory requirements, but took into

5. Rangammal Vs. Kuppusamy, (2011) 12 SCC 2020



consideration factors, which were not germane.”

ii) Union of India v. Ibrahim Uddin, reported in (2012) 8 SCC 148:

“Presumption under Section 114 Illustration (g) of the Evidence Act

“12. Generally, it is the duty of the party to lead the best evidence in his possession, which could throw light on the issue in controversy and in case such material evidence is withheld, the court may draw adverse inference under Section 114 Illustration (g) of the Evidence Act notwithstanding, that the onus of proof did not lie on such party and it was not called upon to produce the said evidence.”

18. Impugned order vis a vis Article 14 of Constitution of India:

18.1. Finally I would think that the impugned order smacks of arbitrariness and falls foul of Article 14 of the Constitution of India for more than one reason. I would think that the impugned order stands vitiated in view of the fact that for more than 4 decades subject properties has been treated as patta lands and admittedly petitioners and their predecessors in title had been in possession over the subject properties. State has not challenged petitioners title during the above period, instead the State even while initiating the acquisition proceedings and until the impugned order came to be passed proceeded treating the petitioners as lawful owners of the subject properties. Inaction on the part of the State for an unduly long period



smacks of arbitrariness. It is trite that exercise of power must be reasonable and it would take within its sweep time element also. No authority could exercise the power conferred upon it in an unreasonable manner. The exercise of power after inordinate delay would be unreasonable and arbitray exercise of power. Therefore, void under Article 14 of the Constitution of India also.⁶ Arbitrariness and unreasonableness being facets of Article 14, timely action is the essence of government functioning and unreasonable delay questions the very legality of such orders. Wherever the, records offer no explanation for prolonged unreasonable delay, the equity will tilt more in favour of the petitioners than uphold the action of the authorities to be correct, being done in the normal course of its business.⁷ It hardly needs to be stated, that Courts shall frown upon arbitrary protraction or mala fide inaction of authorities resulting injury.⁸

19. At this juncture it may be relevant to keep in view that the “Doctrine of Adverse Possession”, would apply even to property belonging to State. While in the case of an individual the limitation for adverse possession is 12 years, while in the case of property belonging to the Government/State would be 30 years. I have referred to the doctrine of adverse possession only to indicate that when it comes to property, even Government/State ought to be vigilant lest they will lose their right over the property. In the present case petitioners and their predecessors in title have patta in their names and had been in

6. Anandi Lal v. State of Rajasthan, 1995 SCC OnLine Raj 72

7. Mahender Kumar v. Land Acquisition Collector, 2006 SCC OnLine Del 576

8. Girnar Traders v. State of Maharashtra, (2007) 7 SCC 555



possession admittedly for more than 4 decades and multiple transactions of sale registered in respect of the subject properties. While I am conscious that this is not a case of adverse possession which would require letting in evidence in support of such claim, to repeat I had referred to the above doctrine only to emphasis the fact that State cannot claim immunity while asserting its right over property against inaction and lethargy.⁹

20. Secondly it is trite that every State action must be guided by fairness. Arbitrariness in State action would fall foul of Article 14 of the Constitution. Article 14 is fatally allergic to arbitrariness. Action of State would suffer from arbitrariness, if it takes into account irrelevant, leaving out relevant factors. In this regard it may be relevant to refer to the following judgment:

i) R.D. Shetty v. International Airport Authority of India, reported in (1979) 3 SCC 489 :

21. ... It requires that State action must not be arbitrary but must be based on some rational and relevant principle which is non-discriminatory: it must not be guided by any extraneous or irrelevant considerations, because that would be denial of equality. The principle of reasonableness and rationality which is legally as well as philosophically an essential element of equality or non-arbitrariness is protected by Article 14 and it must characterise every State action whether it be under authority of law or in exercise of executive power without making of law.”

ii) Asha Sharma v. Chandigarh Admn., (2011) 10 SCC 86 :

9. R. Hanumaiah v. State of Karnataka, (2010) 5 SCC 203



“12. Arbitrariness in State action can be demonstrated by existence of different circumstances. Whenever both the decision-making process and the decision taken are based on irrelevant facts, while ignoring relevant considerations, such an action can normally be termed as “arbitrary”.

21. It is thus clear that whenever any action of State is taken based on consideration which are extraneous or irrelevant while leaving out relevant would stand vitiated on the ground of arbitrariness, thereby falling foul of Article 14 of Constitution of India. Applying the above test to the facts of the present case it appears that the following relevant factors are left out:

- a) Statutory presumption under Section 4 of Patta Pass Book Act.*
- b) Statutory presumption under Section 110 of Evidence Act.*
- c) For 40 years land being treated as patta land.*
- d) More than 4 sale registered under the registration Act by treating the property as patta land.*
- e) Conduct of authorities during land acquisition proceedings.*

22. The above factors which are relevant has not been taken into account rather ignored while it looks to an entry in the Survey Resettlement Register held by the Supreme Court to be neither dispositive or conclusive of title.



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23. *In the light of the above discussion, the impugned order is liable to be set aside inter alia for the following reasons:*

i) The impugned order overlooks the following relevant factors viz.,

a) Statutory presumption under Section 4 of Patta Pass Book Act.

b) Statutory presumption under Section 110 of Evidence Act.

c) For 40 years land being treated as patta land.

d) More than 4 sale registered under the registration Act by treating the property as patta land.

e) Conduct of authorities during land acquisition proceedings.

ii) Burden is on the State to disprove the above presumption. However, no evidence is let in by the State. Having failed to discharge the burden, the State must fail.

iii) The impugned order shifts the burden on the petitioners thereby, misplacing the burden and thus stands vitiated.

iv) The impugned order suffers from inaction for unduly long period and thus stands vitiated.

24. *Before parting I must clarify that there can be no two views about the fact that this Court in exercise of its power under Article 226 of the Constitution of India would not go into disputed questions relating to title. I must make it clear that I had only examined the scope of presumptions raised in terms of*



Section 4 and 6 of Patta Pass Book Act and Section 110 of Evidence Act and the failure to discharge the burden which was on the State and consequences thereof. Importantly, the impugned order while finding that patta and possession has been in the name and with the petitioners and their predecessors in title for over four decades has ignored the presumptions attached thereto and without any material/evidence to disprove the same, passed the impugned order denying the petitioners compensation thereby offending their right under Article 300A of the Consitution of India. It is made clear that the impugned order is interfered with inasmuch as it is based on no evidence and it arrives at a conclusion which no authority properly instructed as to the relevant law would arrive at and thus wholly perverse. It is trite that this Court would interfere with orders based on no evidence or perverse.¹⁰”

7. Accordingly, the writ petition stands disposed of in terms of the order in W.P.No.21220 of 2025 dated 17.10.2025. In view thereof, this Court is inclined to set aside the impugned order dated 03.04.2025. Since it is stated that the compensation has been deposited, it is open to the petitioners to take out appropriate application for disbursement of the compensation deposited in Court. If any such application is taken the compensation shall be paid within a period of four weeks from the date

10. State of West Bengal v. Atul Krishna Shaw, AIR 1990 SC 2205; State of Andhra Pradesh v. Chitra Venkata Rao, AIR 1975 SC 2151; Subhas Chandra Chetia v. Assam Board of Revenue, (1980) 3 SCC 234; Trambak Rubber Industries Ltd., v. Nashik Workers' Union, (2003) 6 SCC 416; South Bengal State Transport Corpn. v. Sapan Kumar Mitra, (2006) 2 SCC 584.



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of such application. It is open to the petitioners to claim enhanced compensation if entitled in accordance with law. I must state that I have not expressed anything on the merits of the petitioners entitlement for enhancement while disposing of the present writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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** Registry is directed to carryout necessary modification in the prayer of the writ petition.*



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To:

1. The Commissioner of Land Administration,
Chepauk, Chennai 600 005.
2. Special District Revenue Officer,
SIPCOT, Mannellur, Phase III,
Thiruvalluvar District.
3. District Collector,
Thiruvallur,
Thiruvallur District.
4. The Secretary to Government of Tamil Nadu,
Industries SIPCOT (LA) Department,
Fort St.George, Chennai 600 009.
5. The Chairman and Managing Director,
SIPCOT, No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.



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MOHAMMED SHAFFIQ, J.

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17.10.2025