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W.A. No.2665 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

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

W.A. No.2665 of 2022
and C.M.P. No.21471 of 2022

1.The District Collector of Krishnagiri,
Collectorate, Krishnagiri.

2.The District Revenue Officer,
Krishnagiri.

3.The Revenue Divisional Officer,
Hosur.

4.The Tahsildar,
Denkanikottai,
Denkanikottai Taluk,
Krishnagiri District.

... Appellants

Vs.

K.B.Hadi Basha

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 23.12.2021 in W.P. No.7070 of 2020.

For Appellants : Mr.T.Arun Kumar,
Additional Government Pleader

For Respondent : Mr.A.K.Sriram,
Senior Counsel
for Mr.N.Vijay Baskar
for M/s.Law Vision



JUDGMENT

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

Under assail is writ order dated 23.12.2021 passed in W.P.No.7070 of 2020.

2. District Collector, Krishnagiri, along with other Revenue authorities, preferred the present intra-court appeal challenging writ order allowing the claim of the respondent/writ petitioner for grant of patta in respect of land in Survey Nos.105/3 and 106/1 of Kundhumaranapalli Village, Denkanikottai Taluk, Krishnagiri District.

3. Learned Additional Government Pleader appearing on behalf of the appellants would mainly contend that subject land originally classified as 'Depressed Class Land' and to be assigned in favour of Depressed Class community people for their livelihood. It was a conditional assignment made in terms of Revenue Standing Orders. Assignees are not entitled to sell Depressed Class lands before expiry of the period mentioned in the assignment conditions and even after expiry of the period of twenty years, these properties can be alienated only in favour of Depressed Class Community person, who are eligible to get assignment of Government lands under the Revenue Standing Orders.



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4. In the present case, certain sale deeds were produced by the respondent. Such sale deeds *per se* would not confer any title/ownership invalidating assignment of Depressed Class lands in favour of Adi Dravida people. De-reservation relied on by the respondent does not change the position. Assignment conditions remained unchanged. In adangal records, it is registered that land is maintained as Adi Dravida Condition land. That being the entry in revenue records, District Collector, after adjudication arrived a conclusion that any sale deed registered in favour of a person, who belongs to any other community other than Adi Dravida Community, is null and void, and passed orders holding that subsequent sale deeds registered in favour of the other community persons, are null and void in view of the conditions stipulated in the assignment order granted to the Adi Dravida Community people.

5. Writ Court has gone into certain pleadings erroneously made by the Tahsildar in W.P.No.7070 of 2022, which is not in consonance with the facts and the revenue records made available. Tahsildar has provided certain mistaken information, which are all not in accordance with the revenue records available. Thus, the writ order impugned is to be set aside.

6. Learned Senior Counsel Mr.A.K.Sriram, appearing on behalf of the respondent, would oppose by stating that the appellants at no point of time, disputed the title of the respondent. It is all about grant of patta based on



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the sale deeds and, therefore, question of adjudication of these issues may not arise at all. Once the sale deeds are produced before the revenue authorities, it would show that the respondent is the owner. Originally, subject lands were classified as 'Depressed Class Lands' as per the Tamil Nadu Government Gazette of the year 1926. A revised classification was made in the year 1934 de-reserving subject lands. Therefore, there is no prohibition to alienate subject lands in favour of other community persons. Thus sale deeds subsequently executed are to be construed as valid for the purpose of deciding title/ownership of the persons.

7. Writ Court allowed the writ petition. Even, discrepancies are found in the revenue records. After de-reservation of Depressed Class lands in the year 1934, entries made in the adangal book are found to be erroneous and after de-reservation, subject lands cannot be continued as Depressed Class lands.

8. This Court has considered the rival submissions made between the parties to the *lis*. The issues to be considered by this Court are, whether writ Court under Article 226 of the Constitution of India can adjudicate disputed facts, touching upon the civil rights and whether under the scheme of the Tamil Nadu Patta Pass Book Act, 1983 (hereinafter the Act), a direction can be issued by the writ Court to grant patta, when dispute relating to



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ownership/title exists.

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9. Let us consider the scheme of the Act and the Rules framed thereunder. It is not in dispute that application submitted seeking patta, cancellation of patta or mutation of revenue records, are to be considered under the provisions of the Act and the Rules. Section 3(1) of the 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.

10. Section 6 of the Act provides entries in the patta pass book be prima facie evidence of title. Accordingly, all 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.

11. Pertinently, Section 14 of the Act provides bar of suits. Proviso clause to Section 14 reiterates that *'if any person is aggrieved as to any right 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 declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963) and the entry in the patta*



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pass book shall be amended in accordance with any such declaration'.

Therefore, exemption has been contemplated under the proviso clause.

Section 14 provides bar on suits. No suit shall lie against the Government or any officer of the Government in respect of the claim to have an entry made in patta pass book that is maintained under this Act or to have any such entry omitted or amended. However, if any person is aggrieved, as to any right, which he is in possession, shall institute a suit to establish his right, in the manner known to law.

12. Section 15 of the Act states that certified copies of records to be annexed to plaint or application. The Tamil Nadu Patta Pass Book Rules, 1987 was notified in G.O.Ms.No.1083 Revenue dated 10.07.1987. Rule 4 provides procedure on receipt of application or information. Sub-rule (2) of Rule 4 reads as follows:

'4.Procedure on receipt of application or information.-

(1)

(2) On the basis of the information furnished in the application and as available in the existing land records or obtained otherwise, the Tahsildar shall cause to be served or despatched, under certificate of posting, to the persons having interest on the land a notice in Form-IV calling upon them to make representation either orally or in writing at a specified place on a specified date which shall be not less than fifteen days and forty days later than the date of receipt of the



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application or information.'

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13. Therefore, in the event of any dispute touching upon rights of the parties, seeking patta under the Act then, the revenue authorities are bound to relegate them to approach Civil Court to resolve the disputes and to establish their rights. Thus, it is made clear that revenue authorities are not empowered to adjudicate the rights, title or ownership of a person relating to properties. They can adjudicate the issues to a limited extent of ascertaining right of a person, for the purpose of grant of patta, but they cannot determine the civil right between the parties.

14. The scheme of the Act is unambiguous that a person submitting an application seeking patta, necessarily has to produce supporting document to establish his title/ownership. Tahsildar, on receipt of application, has to conduct an enquiry by following procedure as contemplated under the Rules and determine whether the applicant is eligible for grant of patta. In the event of any dispute exists in a pending suit or the title/ownership is not clear then the revenue authorities have to relegate the applicant to approach the Civil Court for adjudication of rights.

15. In the present case, the District Collector elaborately conducted an enquiry and made finding based on revenue records that subject land



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belongs to Government. It was originally classified as 'Depressed Class Land'.

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16. Learned senior counsel for respondent would submit that the classification of the year 1926 was revised in the year 1934 and notification de-reserving Depressed Class land was issued. Even after de- reservation, the land vests with the Government. Therefore, it is to be established how the subsequent alienations are made in favour of several persons and the nature of documents executed in order to determine the title/ownership of a person. Such an adjudication cannot be undertaken by the writ Court in exercise of the powers of judicial review under Article 226 of the Constitution of India.

17. Trial nature proceedings are to be conducted by summoning all the original revenue records and by examining the parties and also evidences. Merely based on certain copies of documents or sale deeds, High Court cannot issue a direction to grant patta since Section 6 of the Act contemplates that the patta issued under the Act to be prima facie evidence of title. In the event of issuance of any direction to grant patta during the existence of disputes touching upon civil rights, it will result in miscarriage of justice. Any direction to issue patta will have direct implication relating to title/ownership. A person producing some sale deeds before the writ Court and claiming to be a owner, believing the said sale deeds, if a direction is issued to grant patta then his title became complete and, therefore, such a procedure would cause



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prejudice to any one of the parties who may also claim over such properties.

This is exactly the reason why it has been reiterated by Courts time and again that any disputed facts of civil nature cannot be adjudicated by writ Court based on certain documents produced in the writ proceedings relating to sale deed, settlement deed etc.,

18. When the scheme of the Act contemplates institution of the suit for resolving the title dispute, more specifically, proviso clause to Section 14 then the said remedy is to be exhausted by any person aggrieved. Practice of filing writ petition merely based on application submitted under the Act cannot be entertained and alternate remedy contemplated under the Act, which are all efficacious for the purpose of settling the dispute and to determine the ownership are to be exhausted. Thus, this Court is of the considered view that mere submission of application or production of sale deeds or certain documents, writ Court does not confer any right to claim any patta nor writ Court can issue any direction to issue patta merely based on said documents which requires adjudication in a trial nature which is to be undertaken by the competent Civil Court of law. Only in the event of establishing the ownership in terms of Section 3 of the Act, revenue authority is empowered to grant patta but not otherwise.

19. In the present case, appellants claim that it was originally



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Depressed Class land and it continued to be Depressed Class land and therefore assignment conditions are binding on the assignees. Violation of assignment conditions under the Revenue Standing Orders would empower the State to resume the Government properties from the assignees or any other person who is illegally holding the property. Any alienation made in violation of the conditions stipulated under the Revenue Standing Orders is null and void and such alienations cannot be the basis for grant of patta. Therefore, any person aggrieved has to approach the competent Civil Court under proviso clause to Section 14 of the Act, for the purpose of establishing title/ownership, based on documents and evidences available on record.

20. In view of facts and circumstances, writ order impugned is set aside and writ appeal stands allowed. In the event of instituting any suit, the civil Court shall adjudicate the issues independently, based on documents and evidences available on record, uninfluenced by the observations made by writ Court and by this Court. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
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Index:Yes/No
Neutral Citation:Yes/No
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