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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

CORAM

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

**WA No. 2874 of 2025
and
CMP No.23233 of 2025**

1.The District Collector,
District Collectorate, Mayiladuthurai
District, Tamil Nadu -609 001.

2.The Revenue Divisional Officer,
Mayiladuthurai District.

3.The Tahsildar,
Sirkazhi Village.

Appellant(s)

Vs

1.Dhanraj Jain
2.Ichraj Jain
3.Arihant Jain
4.Sweety Jain

Respondent(s)



PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 13.11.2024 passed in W.P.No.23909 of 2024.

For Appellant(s): Mr.R.Ramanlaal, AAG
Assisted by Mr.T.Arunkumar
AGP

For Respondent(s): Mr.Srinath Sridevan
Senior Counsel
For M/s. Kavitha Deenadayalan

J U D G M E N T

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

Under assail is the writ order dated 13.11.2024 passed in W.P.No.23909 of 2024. The District Collector, Mayiladuthurai District is the appellant before this Court.

I.Facts in Nutshell:

2. The respondents 1 to 4 have instituted a writ petition seeking a direction to the official respondents to issue patta in the name of the respondents herein for the subject lands in T.S.Nos.57/2, 57/4, 57/5 and 57/6, Old S.No.425/1A, Sirkali Town, Mayiladuthurai District.



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3. The 1st respondent herein gave a representation on 23.04.2024 to the Tahsildar, Sirkali Village to grant individual patta in his name in respect of the property situated at Old S.No.425/1A, T.S.No.54, Block 24, Ward-A, Sirkali Village, Sirkali Taluk, Mayiladuthurai District measuring about 0.13.0 ares, as per the sale deed registered as Document No.1529 of 2024. The Tahsildar/3rd respondent on verification of revenue records through letter dated 10.05.2024 informed the Revenue Divisional Officer (RDO), Sirkali that the subject land has been classified as “Mudaliar Kulam”. Thereafter, the RDO addressed a letter to the Assistant Director, Survey and Land Records, Mayiladuthurai and in response the Assistant Director, in letter dated 20.06.20204 has stated that the respondents 1 to 4 jointly claim free house patta for land measuring 0.38.50 ares and as on date there is no provision to grant free house patta and directed the respondents 1 to 4 to approach the Competent Court for grant of patta in their name.

4. Under these circumstances, the writ petition came to be instituted.

The Writ Court adjudicated the issues and allowed the writ petition with a



direction to reclassify the subject lands and issue patta in the name of the respondents 1 to 4 within a period of eight weeks. Aggrieved by the order, the

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District Collector has preferred the present Intra-Court Appeal.

II.Contentions of Parties:

5. The learned Additional Advocate General appearing on behalf of the appellants would mainly contend that the subject lands are classified as “Government Poromboke”, more specifically, it is a “Kulam”, named as “Mudaliar Kulam”, a waterbody and therefore, no patta can be issued. The copy of the Town Survey Register produced before this Court would indicate that the subject land has been classified as “Government Poromboke” and “Mudaliar Kulam”. The sale deed produced by the respondents 1 to 4 would indicate that it is “Mudaliar Kulam”. Relying on the said documents, the learned Additional Advocate General would submit that it is a waterbody and therefore, merely based on the sale deed, the respondents 1 to 4 cannot seek issuance of joint patta in their names.

6. The learned Additional Advocate General relied on the judgment of



the Division Bench of this Court in the case of **Ramanathapuram Periya**

Mohallam Muslim Jamath Nirvaaha Mandram vs. The State of Tamil

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Nadu¹, relevant portion reads as under:

“8. Referring to Section 10 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act No.30 of 1963) (in short Tamil Nadu Act 30 of 1963) inverted by Tamil Nadu Act 2 of 1976, he has stated that no patta can be granted in respect of even private tanks and Ooranies. When the same issue came up for consideration before the learned Division Bench in Damaodardas Chatra Vs. State of Tamil Nadu [1997 (3) CTC 631], it was held that while adverting to Section 3(b) of the Abolition Act, which is in pari materia with Section 3(b) of the present Act that it vests all irrigation works in the Government and a right to ryotwari patta is created under the Act only in respect of private land and that too after an investigation whether there were such lands on the date of the vesting. Section 3(b) of Tamil Nadu Act 30 of 1963, which provides for the vesting of minor inams in the Government, declares that every minor inams including all communal lands and poramboke, waste lands, pastur lands, forests, mines and minerals, quarries, rivers and streams, tanks and

¹ WA No.3531 of 2019 dated 06.01.2022



ooranies i.e., including private tanks and ooranies and irrigation works etc., shall stand transferred to the Government and vest in them free of all encumbrances. Therefore, when the law is well settled by this Court in Damodradas Chatram-s case, the argument of the appellant that the proceedings of the fifth respondent classifying the lands in question as Poramboke is erroneous, is misconceived, in view of Section 3(b) of the Tamil Nadu Act 30 of 1963, he pleaded.

9. We find merits on the above said submissions of the learned Government Advocate. Initially, when Pattinamkathan Village was taken over under the Act, the lands covered in Survey No.287/932 measuring an extent of 3.72 acres have been registered as Poramboke. However, after noticing the lands in question as Poramboke in the settlement proceedings, the appellant moved the Special Commissioner and Commissioner, Land Administration, Chepauk, Chennai/second respondent herein to re~vest the Registry with respect to the lands in question in favour of the appellant. But, the second respondent, vide proceedings dated 10.11.1987, directed the appellant to move the competent authority for seeking remedy under the provisions of civil law. It is to be noted that the Director of Survey and Settlement, Chennai/third respondent, by order dated 14.11.1994,



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held that the claim of the appellant under Section 11(a) of the Act cannot be countenanced. Such an approach of the third respondent, in our considered view, is perfectly in order by virtue of Section 10(b) and 10~A of the Tamil Nadu Act 30 of 1963, which are given as under:~

10. Lands in respect of which no ryotwari patta will be granted.---

Notwithstanding anything contained in Sections 8 and 9 no ryotwari patta shall be granted in respect of any land falling under any of the categories specified below and situated within the limits of any minor inam ---

a) forests;

b) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;

10-A. Ryotwari patta not to be granted in respect of private tank or oorani.-

(1) Notwithstanding anything contained in this Act, no ryotwari patta shall be granted in respect of any private tank or oorani.

(2) Any ryotwari patta granted in respect of any private tank or oorani under this Act before the date of publication of Tamil Nadu Inam Estates, Leasholds and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975, in the Tamil Nadu Government Gazette, shall stand cancelled and for the purposes of compensation under this Act, the private tank or oorani shall be deemed to be land in respect of which no person is entitled to ryotwari patta under Section 8.

A cursory reading of the above said provision conspicuously speaks that no patta shall be granted in regard to any private tank or Oorani, therefore, the proposal sent by the Assistant Settlement Officer, Madurai/5th respondent, vide proceedings dated 05.06.1995, recommending for grant of patta, as well as the subsequent order passed by the Director of Survey



and Settlement, Chennai/third respondent herein, vide proceedings dated 05.06.1995, directing 8th respondent/the Tahsildar, Ramanathapuram, to issue patta in respect of the lands in question in favour of the appellant under Section 19~A of the Act are legally not tenable, inasmuch as Section 3(b) of Tamil Nadu Act 30 of 1963 declares that every minor inams including all communal lands and porambores, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and Ooranies i.e., including private tanks and Ooranies, shall stand transferred to the Government and vest in them free of all encumbrances. Thus, in our considered view, the argument of the appellant that the appellant being a religious institution is entitled to claim their possessory right over the lands in question is not sustainable in law.

10.

11.

12. *On this finding, in our view, the High Court ought to have confirmed the order of the Commissioner. However, it proceeded to hold that considering the said report the area of 10 biswas could only be allotted and the remaining five biswas of land which have still the character of a pond, could not be allotted. In our view, it is difficult to sustain the impugned order of the High Court. There is concurrent finding that a pond exists and the area covered by it varies in the rainy season. In such a case no part of it could have been allotted to anybody for construction of house building or any allied purposes."*



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7. The learned Senior Counsel appearing on behalf of respondents 1 to 4 would oppose by stating that respondents 1 to 4 are holding valid title in respect of the subject property. Thus, they are entitled for patta under Revenue Standing Order (RSO) No.27. Since the authorities have directed the respondents 1 to 4 to get an order from the Court, they have filed a writ petition and the Writ Court considered the sale deed produced by the respondents 1 to 4 and granted relief.

8. The learned Senior Counsel would rely on the partition deeds executed between the family members and inter-departmental communication between the RDO and the Assistant Director and also to the Tahsildar. The decree passed by the Court in the year 1940 is also relied upon. It is further contended that once the title has been established by the respondents 1 to 4, the Writ Court is right in issuing a direction to reclassify the land.

III. Legal Position:

9. Power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has



been taken is in consonance with the Act and Rules, but not the decision itself.

Therefore, disputed facts cannot be adjudicated in a writ proceeding.

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A. Disputed Questions of Fact and Writ Jurisdiction:

10. It is a settled principle of law that the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India when the adjudication of the case involves disputed questions of fact. The writ jurisdiction is primarily intended for the enforcement of legal and fundamental rights, and it is not designed to substitute for the detailed fact-finding process that is better suited for civil courts.

11. The Hon'ble Supreme Court in ***Chairman, Grid Corporation of Orissa Ltd. (GRIDCO) v. Sukamani Das (Smt.)***², dealt with this very issue.

The case arose out of a writ petition filed before the High Court seeking compensation for the death of a person due to electrocution, allegedly caused by the negligence of electricity authorities. The High Court had entertained the writ petition and awarded relief. However, the Hon'ble Supreme Court set

² (1999) 7 SCC 298



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aside this approach, holding as follows:

“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that “admittedly/prima facie amounted to negligence on the part of the appellants”. The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped



because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995.”

12. The aforesaid judgment was later relied upon and reiterated by the Hon’ble Supreme Court in **S.P.S. Rathore v. State of Haryana**³, wherein the Court explained the principle more clearly. It observed as follows:

“16. In Chairman, Grid Corpn. of Orissa Ltd. (Gridco) v. Sukamani Das, [(1999) 7 SCC 298] the question which arose for consideration was, can the High Court under Article 226 of the Constitution award

³ (2005) 10 SCC 1



*compensation for death caused due to electrocution on account of negligence, when the liability was emphatically denied on the ground that the death had not occurred as a result of negligence, but because of an act of God or of acts of some other persons. The Court held that it is the settled legal position that where disputed questions of facts are involved, a petition under Article 226 of the Constitution is not a proper remedy. Therefore, questions as to whether death occurred due to negligence or due to act of God or of some third person could not be decided properly on the basis of affidavits only, but should be decided by the civil court after appreciating the evidence adduced by the parties. In **T.N. Electricity Board v. Sumathi**, [(2000) 4 SCC 543] it was held that when a disputed question of fact arises and there is clear denial of any tortious liability, remedy under Article 226 of the Constitution may not be proper. The Court carved out exception to this general rule by observing that, it should not be understood that in every case of tortious liability, recourse must be had to a suit. When there is negligence on the face of it and infringement of Article 21 is there, it cannot be said that there will be any bar to proceed under Article 226 of the Constitution.”*



13. In more recent times, the Supreme Court has consistently upheld

this principle. In ***Shubhas Jain v. Rajeshwari Shivam***⁴, it was observed:

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

14. The precedents makes it abundantly clear that the extraordinary jurisdiction under Article 226 is not a substitute for civil or arbitral remedies.

Where disputes hinge on contested facts, negligence, property rights, or contractual obligations, High Courts have consistently refrained from adjudication, directing parties instead to the appropriate forum. The rationale is twofold:

(1) Writ jurisdiction is ill-suited for detailed fact-finding based on oral and documentary evidence, and

(2) Judicial review is meant to safeguard legality, fairness, and

⁴ 2021 SCC Online SC 562



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adherence to constitutional norms, not to determine private rights in the manner of a civil court.

15. Accordingly, it is a well-settled proposition of law that while Article 226 confers wide powers, these powers must be exercised with circumspection, keeping in mind the institutional limitations of writ courts. This doctrinal restraint ensures that writ jurisdiction remains focused on its true purpose protecting rights against arbitrary state action while leaving fact-heavy civil and contractual disputes to the fora best equipped to decide them.

B.Disputes Related To Civil Nature/Civil Rights/Property Rights:

16. In ***Monghyr v. Maharaja Pratap Singh Bahadur***⁵, it was held by the full bench of the Patna High Court that:

“5.The jurisdiction of the High Court under Article 226 is an extraordinary jurisdiction vested in the High Court not for the purpose of declaring the civil rights of the parties but for the purpose of

⁵ 1956 SCC Online Pat 63



ensuring that the law of the land is implicitly obeyed and that the various tribunals and public authorities are kept within the limits of their jurisdiction. In other words, the jurisdiction of the High Court under Article 226 is a supervisory jurisdiction, a jurisdiction meant to supervise the work of the tribunals and public authorities and to see that they act within the limits of their respective jurisdiction.

6. **In a proceeding under Article 226 the High Court is not concerned with the determination of the civil rights of the parties; the only object of such a proceeding under Article 226 is to ensure that the law of the land is implicitly obeyed and that various authorities and tribunals act within the limits of their respective jurisdiction.** Article 226 states that the High Court shall have power to issue to any person or authority, including in appropriate cases any Government, directions, orders of writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.”

C.Power of Judicial Review is to Find Out the Correctness of Decision Taken But Not the Decision Itself:



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17. Judicial review under Article 226 of the Constitution is a supervisory jurisdiction. Its object is not to reappreciate the merits of a dispute but to ensure that the *decision-making process* conforms to statutory provisions, principles of natural justice, and constitutional mandates. Courts have repeatedly stressed that the writ court is not an appellate forum to substitute its view for that of the competent authority.

D.Distinction Between ‘Decision’ and ‘Decision-Making Process’

18. The **decision** refers to the outcome arrived at by the competent authority. The **decision-making process** concerns the manner in which such outcome was reached whether notice was issued, relevant materials considered, irrelevant factors avoided, and statutory rights respected. Judicial review tests the *legality, fairness, and procedural propriety* of this process. It does not weigh the sufficiency of evidence or re-examine disputed civil rights, which are matters for trial courts.



E.Scope of Judicial Review

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19. Judicial review is essentially concerned with the *legality* of administrative or quasi-judicial actions. It ensures that authorities act within the bounds of their powers, adhere to statutory provisions, and follow principles of natural justice. The correctness of the decision itself—whether it is right or wrong on merits—is beyond the purview of judicial review. Such scrutiny belongs to appellate forums.

F.Limits of Judicial Review

20. The power is neither appellate nor revisional. Courts do not reappraise evidence or substitute their own judgment for that of the decision-maker. Judicial review is limited to examining:

- (1)Whether the authority had jurisdiction,
- (2)Whether relevant considerations were taken into account,
- (3)Whether irrelevant considerations were excluded,
- (4)Whether the action was arbitrary, mala fide, or violative of natural justice.



G. Correctness of Process vs. Correctness of Decision:

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21. The principle was succinctly captured by the Supreme Court in

Syed T.A. Naqshbandi v. State of J&K⁶, in the following terms:

“... judicial review is permissible only to the extent of finding whether the process in reaching the decision has been observed correctly and not the decision itself, as such. Critical or independent analysis or appraisal of the materials by the courts exercising powers of judicial review unlike the case of an appellate court, would neither be permissible nor conducive to the interests of either the officers concerned or the system and institutions of administration of justice ...”

22. This makes it clear that judicial review is directed at procedural fairness and legality, not at re-evaluating merits.

IV. Discussions:

23. The Revenue Standing Order 27 relied by the respondents 1 to 4

⁶ 2003 SCC Online SC 655



has no application. RSO 27 deals with patta. Clause 1 states “Form of patta”.

Accordingly, the form of patta given in the manual of village accounts. Clause 2 denotes “Renewal of patta”, “As a rule, fresh patta need only be issued when desired by the ryots concerned. When holding of the ryot has undergone no change, it is obviously unnecessary to issue a fresh patta. Each ryot should have one original patta containing a detailed list of the fields comprising his holding as it stood when the patta was drawn up”.

24. Therefore, above RSO has no application in respect of an owner of a property seeking patta. Owner of a property is entitled to seek patta under the provisions of the Tamil Nadu Patta Pass Book Act, 1983. Section 3(1) of the Patta Pass Book Act enumerates that “The Tahsildar shall issue a patta pass book to every owner in respect of the land owned by him, on an application made by him in this behalf.

25. Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 reads as under:

“4. Procedure on receipt of application or



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information:

(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.”

26. In view of the above provisions under the Tamil Nadu Patta Pass Book Act and Rules framed thereunder, if any dispute regarding title/ownership has arisen, the revenue authorities are bound to relegate the parties to approach the Competent Civil Court of Law.

27. In the present case, the appellants have produced several documents, including revenue records to show that the subject land has been classified as “Government Poromboke” and “Mudaliar Kulam” which is a water



body. Therefore, a dispute exist in this regard. When the Government records show that it is a waterbody then patta cannot be issued by the revenue authorities.

28. If at all the respondents 1 to 4 claim that the classification has been erroneously made such errors or reclassification must be undertaken by conducting an inquiry by the Commissioner of Land Acquisition and the Government as the case may be. However, the Subordinate Revenue Authorities cannot entertain any such application for reclassification of land or to alter the entries already made in the revenue records.

29. Therefore, the directions issued by the Writ Court to reclassify the subject land would fall beyond the realm of the powers of judicial review conferred under Article 226 of the Constitution of India. Even direction to issue patta cannot be granted ordinarily.



30. In the present case, on the one hand the appellant claims that it is a waterbody classified as “Pond”, on the other hand the respondents 1 to 4 state that the classification has been erroneously made. Whether the Revenue records were tampered or otherwise are also to be looked into by the Higher authorities of the Revenue Department and the Commissioner of Land Administration.

31. The market value of the lands across the State are skyrocketing. Greedy men are attempting to grab public properties. Therefore, revenue authorities and other authorities are expected to be cautious and vigilant in protecting public properties and utilise the same for public purposes. Any such claim regarding patta must be inquired into in an appropriate manner at the time of considering application for patta or cancellation of patta or to mutate the revenue records as the case may be.

32. In the present case, the respondents 1 to 4 are claiming title. Thus,



civil dispute exist and neither the revenue authorities nor the Writ Court is empowered to conduct an inquiry. The title dispute is to be adjudicated before the Competent Civil Court of Law. When the ownership is in dispute, then the person claiming ownership has to approach the Civil Court for the purpose of establishing his right based on documents and evidences available on record.

33. In view of the facts and circumstances, the order of the Writ Court is not in consonance with the legal position settled. Thus, the writ order dated 13.11.2024 passed in W.P.No.23909 of 2024, is set aside and the Writ Appeal stands allowed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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