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W.A. No.3477 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM :

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

W.A. No.3477 of 2024
and
C.M.P. No.27066 of 2024

1.The Government of Tamil Nadu,
Rep. By the Secretary to
Government Municipal Administratio,
and Water Supply Department, Fort St.George,
Chennai-600 009.

2.The District Collector,
Chengalpattu District,
Chengalpattu.

3.The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.

... Appellant(s)/ Respondents 1-3

Vs.

1.Mrs.Jabapackiam,
W/o.Mrs.Israel Dharmaraj,
No.23, Elemalai Street,
Radha Nagar, Chrompet,
Chennai-600 044.

... Respondent/ Writ Petitioner

2.The Municipal Commissioner,
Pallavaram Municipality,
Chrompet, Chennai-600 044.



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3. The Commissioner,
Tambaram Corporation,
Tambaram, Chennai-600 045. ... Respondent(s)/Respondents 4 to 7

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 19.12.2023 made in W.P. No.21787 of 2022.

For Appellant(s) : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.Vadivelu Deenadayalan
Additional Government Pleader

For Respondent 1 : Mr.S.Silambannan
Senior Counsel
for M/s.Kavya Silambannan Associates

For R2 to R4 : Mr.P.Srinivas

For R5 : No appearance

JUDGMENT

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

Writ Order dated 19.12.2023 in W.P.No.21787 of 2022 is sought to be assailed in the present Intra-Court Appeal instituted under Clause 15 of the Letters Patent. The State preferred the appeal mainly on the ground that title dispute existed in respect of the subject land presently Hasthinapuram Bus Stand. The Revenue Divisional Officer after adjudication, relegated the parties to approach the competent Civil Court



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of law for the purpose of crystallising their civil rights. However, the Writ Court though recorded the said finding, allowed the writ petition on the ground that the 1st respondent produced a copy of the sale deed in his favour.

2. Application had been submitted by the 1st respondent seeking patta under the Patta Pass Book Act, 1983. Since, it was rejected, the writ petition came to be instituted. The Writ Court directed the Revenue Divisional Officer to conduct an enquiry and pass final orders. The Revenue Divisional Officer conducted an enquiry on the representation filed by the writ petitioner, issued proceedings dated 08.07.2022.

3. Perusal of the said order would show that rival claims are set out beyond the claim made by the Government on the ground that subject land is a Government Poramboke Land. Thus, the Revenue Divisional Officer, Tambaram, arrived at a conclusion that parties have approached the Civil Court for the purpose of establishing their rights. However, the Writ Court made a finding that the 1st respondent / writ petitioner produced a sale deed. That apart, patta has already been granted in favour of the adjacent land owners. Therefore the 1st respondent is



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entitled to get patta under the Patta Pass Book Act, 1983.

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4. Section 3 of the Patta Pass Book Act, 1983, enumerates that the owner of the land is entitled to get patta. Rule 4(4) of the Patta Pass Book Rules, stipulates that in the event of any rival claim, the revenue authorities are bound to relegate the parties to approach the competent Civil Court of law for the purpose of resolving the issues. Therefore, application under Patta Pass Book Act, is not maintainable if any dispute exists.

5. In the present case, the 1st respondent and rival claimant are claiming ownership. That apart, the Government states that Hasthinapuram Bus Stand is functioning for the past about 50 years. As per the Land Survey Register, the land belongs to Government. As the Writ Court in its exercise of judicial review cannot form an opinion regarding title/ ownership. Thus, the relief granted in the impugned writ order falls beyond the realm of the powers of judicial review.

6. In view of the facts and circumstances, the parties are at liberty



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to approach the Civil Court of law and only after reaching finality, they are entitled to seek remedy either under the Patta Pass Book Act, 1983, or any other relevant provisions of law depending on the outcome of the Civil Suit.

7. Consequently, the writ order dated 19.12.2023 in W.P. No.21787 of 2022 is set aside and the Writ Appeal stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]

[M.S.Q., J.]

16.10.2025

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

To:

1.The Municipal Commissioner,
Pallavaram Municipality,
Chrompet, Chennai-600 044.

2.The Commissioner,
Tambaram Corporation,
Tambaram, Chennai-600 045.

S.M.SUBRAMANIAM, J.
AND



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MOHAMMED SHAFFIQ, J.

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