



S.A.No.133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

S.A.No.133 of 2024

and C.M.P.No.4277 of 2024

1. Devanathan
2. Ramalingam
3. Padmanabhan
4. Murugan
5. Pavadaisami
6. Rajangam
7. Devasundar
8. Sivamani

...Appellants / Plaintiffs

Vs.

1. The State of Tamil Nadu,
Represented by the Collector
Cuddalore District.
2. The Sub-Collector,
Cuddalore Taluk,
Cuddalore District.
3. The Tahsildar,
Cuddalore Taluk, Cuddalore District.
4. The Village Administrative Officer,
Thirumanikuzhi, Cuddalore Taluk,
Cuddalore District.

...Respondents / Defendants



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PRAYER:- This Second Appeal is filed under Section 100 of Code of Civil Procedure, 1908, to set aside the judgment and decree dated 01.09.2023 passed in A.S.No.5 of 2022 on the file of the I Additional Subordinate Judge, Cuddalore confirming the judgment and decree dated 29.07.2020 passed in O.S.No.446 of 2017 on the file of the Additional District Munsif Court, Cuddalore.

For Appellants : Mr.D.Baskar

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

JUDGMENT

This Second Appeal has been preferred by the plaintiffs against the judgment and decree dated 01.09.2023 made in A.S.No.5 of 2022 by the I-Additional Sub Court, Cuddalore.

2. Parties are indicated herein as per their litigative status and ranking before the trial Court.

3. According to the plaintiffs, the suit properties were purchased by Dhanam Ammal by way of three sale deeds dated 31.10.1978, 02.11.1978 and 16.11.1978. The suit properties are in one block. Patta in respect of the



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suit properties stand in the name of Dhanam Ammal and her predecessor in title. As the properties are separate properties of Dhanam, tax has been duly paid for the suit properties. The said Dhanam Ammal died 25 years before and her husband Rajavel passed away 15 years before. The plaintiffs are the legal heirs of deceased Rajavel and Dhanam Ammal. After the lifetime of Dhanam Ammal, suit properties are in possession and enjoyment of the plaintiffs as they are the legal heirs of the deceased Dhanam Ammal. The said properties are surrounded by government properties on all four sides. The said government poramboke properties are also under possession and enjoyment of the deceased Dhanam Ammal and after her lifetime by the plaintiffs herein.

3.1.The 4th defendant, Village Administrative Officer of Thirumanikuzhi, approached the plaintiffs as if he obtained patta in the name of the plaintiffs. He demanded money and for which the plaintiffs did not accede to his interest. The 4th defendant tried to cut the trees in the suit properties. The defendant no.1 to 3 are in support of the 4th defendant. The 4th defendant lodged a Complaint before the police against the 3rd plaintiff and he has been released on bail. As the defendants are continuously making threats, the suit is laid for permanent injunction and for effecting name change in the patta. There is no written statement. Though the defendants were



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represented through their counsel, since no written statement was filed, they were set exparte by the Trial Court.

4. Based on the plaint pleadings, the trial Court framed relevant issues. At trial, to substantiate the plaint details, the 3rd plaintiff has examined himself as P.W.1 and six documents were marked. Sale deeds in the name of Dhanam Ammal have been marked as Ex.A1 to Ex.A3. Ex.A4 is the 'A' – Register in respect of the suit properties. As per Ex.A4 - 'A' Register in respect of the suit Survey No.372, it stands in the name of Dhanam Ammal and her predecessor in title Natesan. As regards to Survey No.325, it stands in the name of Veerappan and Subramani, who are the vendors of Dhanam Ammal.

5. The trial Court upon consideration of the evidence and after hearing the arguments advanced by either side concluded that as no independent person interfered with the plaintiff's possession, as per Section 14 of the Patta Pass Book Act, 1983, they have to approach the revenue authorities and held against the plaintiffs by dismissing the suit.

6. Aggrieved, the plaintiffs preferred appeal before the I-Additional Sub Court, Cuddalore in A.S.No.5 of 2022. Upon consideration of the case



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records and after hearing the arguments advanced by either side, the First Appellate Court concurred with the findings of the trial Court in entirety and dismissed the appeal. Against the concurrent findings, the plaintiffs have preferred this Second Appeal.

7. It is pertinent to note that the plaintiffs would state that they are the legal heirs of the deceased Rajavel and Dhanam Ammal. To prove the said fact no document is marked. It has also been stated that Dhanam Ammal died 25 years before and her husband Rajavel died 15 years before. To prove the possession and enjoyment of the suit property after the death of the above said persons, no document has been marked by the plaintiffs. As regards the second prayer, namely, to effect the name change in the patta, it is not the case of the plaintiffs that they presented any petition before the 3rd respondent Tahsildar of Cuddalore Taluk. It is relevant to refer Section 14 of the Tamil Nadu Patta Pass Book Act, 1983. For better understanding, Section 14 of the Act is extracted hereunder:-

“14. Bar of suits.

No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass book that is maintained under this Act or to have any such entry omitted or amended: Provided that if any person is aggrieved as to any right of which he is in



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possession, by an entry made in the patta pass book under this Act, he may institute a suit for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963); and the entry in the patta pass book shall be amended in accordance with any such declaration.”

8. On a bare perusal of the above said provision, it explicates that in respect of a claim to have an entry in any patta pass book, no suit shall lie against the Government or any officer of the Government (revenue official). Upon application, if the revenue authorities have not chosen to pass orders, then the aggrieved person has to approach this Court by filing of writ petition. It is not the case of the plaintiffs that they presented an application before the revenue authorities to effect name change. Instead, they have filed a suit directly to make it appear that the Government Officials disturbed their possession. Therefore, it is made clear that the suit is laid without any cause of action. If the plaintiffs are really aggrieved by the actions of 4th respondent, their remedy lies elsewhere. They are at liberty to approach the higher officials to get remedy. Without resorting to the proper remedy, the plaintiffs without filing the legal heirs certificate and the documents to prove their possession and enjoyment of the suit property and derogation to Section 14, the suit has been laid. The trial Court as well as the First Appellate Court have dismissed the suit in the right perspective. This Court is of the



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considered view that the judgment of the First Appellate Court does not suffer from any infirmity or perversity. This Court also does not find any good reason to upset the findings of the First Appellate Court. No substantial questions of law arise for consideration.

9. Above being the position, this Second Appeal stands dismissed. Sequel to this, the judgment and decree dated 01.09.2023 passed in A.S.No.5 of 2022 on the file of the I-Additional Subordinate Court, Cuddalore, stands confirmed. There is no order as to costs. Consequently connected Civil Miscellaneous Petition stands closed.

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

1. The I Additional Subordinate Court, Cuddalore
2. The Additional District Munsif Court, Cuddalore.
3. The Collector
Cuddalore District, Cuddalore – 607 001.
4. The Sub-Collector,
Cuddalore, Cuddalore Taluk,



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Cuddalore District.

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5. The Tahsildar, Cuddalore,
Cuddalore Taluk,
Cuddalore District.
6. The Village Administrative Officer,
Thirumanikuzhi, Cuddalore Taluk,
Cuddalore District.

R. KALAIMATHI, J.

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