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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 5325 of 2025

and

W.M.P.Nos.5903, 5908 & 5911 of 2025

P.Devaraj
S/o Pakkiri
No.8 Senthil Nagar,1st Main Road Kolathur,
Chennai 600099

..Petitioner(s)

Vs

1. The District Revenue Officer
Collectorate Building, Chennai 600001
2. The Revenue Divisional Officer
Chennai Central Division,Chennai 40
3. The Tahsildar
Kolathur Taluk,Kolathur,Chennai
4. The Zonal Officer
Zone 6, Greater Chennai Corporation
No.158 Strahans Road,
Chennai 600012

..Respondent(s)

To call for the records pertaining to the order of the 1st respondent dated 22.01.2025 made in J5/2740322/2024 confirming the order of the 2nd respondent dated 02.09.2024 made in A2/5247/2024 and quash the same as illegal.

For Petitioner(s):

Mr.A.E.Ravichandran
for Mr.N.Anbazhagan

For Respondent(s):

Mr.R.Ramanlal, AAG
assisted by
Mr.T.Arun Kumar, AGP for R1 to 3.
Mr.M.Suresh Kumar, AAG
assisted by
Mr.D.B.R.Prabhu, Standing Counsel
for GCC for R4.

**ORDER**

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(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted to assail the order dated 22.01.2025 passed by the District Revenue Officer, Chennai, confirming the order dated 02.09.2024 of the Revenue Divisional Officer, Chennai Central Division, Chennai.

2. The revenue authorities have cancelled the patta granted in the name of the petitioner mainly on the ground that the petitioner was convicted by the competent criminal Court of law for creating a bogus patta in respect of the subject property, detailed in the writ proceedings. The petitioner was convicted in C.C.No.5461 of 2023 dated 22.04.2024 for a period of 3 years with rigorous imprisonment. The Criminal Appeal filed is pending. The petitioner earlier filed a Civil Suits in O.S.Nos. 5527 of 2013 & 6564 of 2014. The Suit decreed in his favour and Appeal Suit in A.S.Nos.733 and 734 of 2018 are filed which are pending. Mainly in respect of the impugned order in the present writ petition, patta granted in the name of the petitioner came to be cancelled on the ground that the competent Criminal Court of law found that the petitioner is in possession of forged document and convicted the petitioner. Patta is a revenue record, issued under the provisions of of Patta Passbook Act. Once the authorities found that the patta issued is a bogus patta, they are empowered to cancel the same in order to avoid any further alienation of the property or using the patta for any other purpose. However, patta alone will



not confer any title to a person. Claiming title, civil suits had been instituted and the appeal suits are now pending. Even the revenue authorities in their order has stated that the petitioner may approach the competent Court for establishing his right. While so, it is unnecessary for the writ Court to interfere with the order impugned, as it would cause prejudice to the civil proceedings, which is pending.

3. Writ Courts are not expected to adjudicate the disputed facts of civil nature. The revenue authorities are incompetent to decide the civil rights between the parties. High Court, in the event of conducting a roving enquiry into the civil rights, it may cause prejudice to the parties or result in miscarriage of justice. Practise of entertaining writ proceedings during the pendency of civil proceedings on the same issue, need not be encouraged by the Courts. Such simultaneous proceedings are instituted by the litigants with an idea to prolong and protract the proceedings so as to escape from the clutches of eviction proceedings, mostly in respect of Government properties. On account of sky rocketing of land costs, greedy men are grabbing the Government properties. Even private properties are grabbed by creating bogus documents. Under these circumstances, multiple litigations instituted before the writ court and civil court, if not dealt with in accordance with law, it would result in increasing the longevity of the litigations than redressing the grievances of the litigants. Any person claiming civil right against immovable property has to approach the Civil Court for establishing title/ownership in the manner known to law. Pendency of civil proceedings in the absence of an



interim order is not an impediment for the Government authorities to initiate enforcement action for evicting the encroachers from the Government properties. For evicting the encroachers from the government properties, the Statute contemplates that the rules of natural justice is to be followed. If any person claiming title has to approach the civil Court. Therefore, in such circumstances, entertaining a writ petition would infringe public property right under the Constitution and therefore, such writ petition is not entertainable.

4. In the present case, even the revenue authorities have granted liberty to the petitioner to approach the competent court for establishing their right. That apart, the Appeal Suits in A.S.Nos.733 & 734 o 2018 are also pending. Any appropriate relief can be sought for by either of the parties in the appeal suit by filing an appropriate application. Thus, the writ petition of this nature, need not be entertained.

5. Yet another circumstance prevailing is that, the writ petition has been instituted mainly based on the judgment and decree passed by the Civil Court and the Writ Court is not excepted to act as an executing Court, since any decree is to be executed in the manner contemplated under law.

6. The power of judicial review under Article 226 of the Constitution of India cannot be expanded for the purpose of adjudication of civil rights with regard to the immovable property. Disputed facts are to be adjudicated only in



a trial nature proceedings and the High Court cannot conduct a roving enquiry nor examine the evidences and witnesses in writ proceedings. This exactly is the reason why constitutional Court, time and again, reiterated that civil nature proceedings need not be entertained by writ Court under Article 226 of the Constitution of India.

7. In the present case, liberty has already been granted and reiterating the liberty to the petitioner to approach the competent court of law for establishing his rights, the present writ petition deserves no further consideration. More specifically, the impugned order cancelling the patta has been passed based on the conviction of the petitioner by the competent criminal Court of law, wherein patta possessed by the petitioner is proved as bogus. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
20-02-2026

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

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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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