IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.6027 of 2026
and
W.M.P.Nos.6544 & 6547 of 2026

Malaippan ... Petitioner

-vs-

1.The District Collector,
District Collectorate,
Cuddalore District.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Cuddalore District.

3.The Revenue Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

4.P.Selvam ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent dated 31.01.2026 in Na.Ka.No.A1/117/2026 as confirmed by the order of the 1st respondent dated 09.02.2026 ending with Na Ka.Vi.3/4233152/2026 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahamed,
Senior Counsel
for Mr.I.Kowser Nissar

For Respondents : Mr.D.Ravichander
Spl. Govt. Pleader for R1 to R3

Mr.M.Elumalai for R4

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O R D E R

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

The present Writ proceeding has been instituted challenging the final notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as “the Act”] and the subsequent appellate order passed by the District Collector, Cuddalore dated 09.02.2026 under Section 10 of the Act.

2. Mr.Nissar Ahamed, learned Senior Counsel appearing on behalf of the petitioner would submit that the subject land belongs to the petitioner and patta has been granted in his favour. What is stated in the impugned notice under Section 6 of the Act is S.No.76/1, but the petitioner is the owner of S.No.76/2. Therefore, the entire action under the Act is untenable.

3. The learned Special Government Pleader would oppose by stating that the District Collector in his appellate order has made a finding after enquiry that a larger extent of land in S.Nos.76/1, 76/2 and 76/3 are classified as “Government Poramboke” land. The Collector found that patta has been granted erroneously and subsequently passed an order cancelling the patta. Pertinently the petitioner is squatting upon the Government property by creating some fraudulent documents. Therefore, the present Writ Petition deserves to be rejected.

4. Mr.M.Elumalai, learned counsel appearing on behalf of the 4th respondent would oppose by stating that the documents are created in a fraudulent manner, in order to squat upon the Government property to a larger extent. Sub-divisions are created in order to register different documents and to secure patta. The District Collector during the course of enquiry found that patta granted based on such fraudulent documents are untenable and ordered for cancellation of patta. Thus, the Writ Petition is to be rejected.

5. This Court has considered the rival submissions made between the parties to the lis.

6. The disputed facts relating to title cannot be gone into by the Writ Court in exercise of powers of judicial review under Article 226 of the Constitution of India. The powers of judicial review is to ensure the process through which the decision has been taken in consonance with the Rules and statute in force, but not the decision itself.

7. In the present case, the impugned order passed by the District Collector dated 09.02.2026 would show that the subject property in S.Nos.76/1, 76/2 and 76/3 are all situate in same location and classified as “Government Poramboke”. No doubt, the petitioner has produced a registered sale deed of the year 2016. The said document was registered based on the sale deed registered in the year 1982. However, the said 1982 document is not available and the petitioner would submit that the document is missing and an FIR has been registered.

8. Perusal of the 2016 sale deed would show that the schedule of property is not tallying with the notice issued under Section 6 of the Act. Discrepancies in the documents as well as the facts placed by the petitioners are creating certain suspicion, which requires a trial nature proceedings for the purpose of culling out the truth.

9. It is brought to the notice of this Court that the petitioner has already instituted a civil suit in O.S.No.460 of 2025. However, it is for the petitioner to establish his title in the manner known to law. As of now, the Authorities have identified the subject land belongs to Government, classified as “Government Poramboke”. Thus, the enforcement actions taken cannot be construed as untenable. The enforcement actions are taken by following the procedures as contemplated under the Act. Thus, there is no impediment for the Authorities to proceed with the enforcement actions in the manner known to law.

10. Mr.N.A.Nissar Ahamed, learned Senior Counsel for the petitioner would also contend that the petitioner is holding patta.

11. Under Section 3 of the Tamil Naud Patta Pass Book Act, the Tahsildar shall issue Patta Pass Book to every land owner in respect of the land owned by him on an application made by him in this regard.

12. On production of sale deed, patta has been granted. However, the Revenue Authorities normally would not verify the correctness of the sale deed or the documents produced by the parties. Thus, mere possession of patta will not confer any title on a person. Patta is a revenue document maintained by the Government as a revenue record for maintenance of land revenue. Therefore, patta solely cannot be relied on for the purpose of establishing title.

13. Thus, the petitioner has not established any *prima facie* case for the purpose of entertaining the Writ Petition and consequently the same stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S,J.,) (C.K,J.,)
17.02.2026

Index: Yes / No
Internet: Yes / No
dsa

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