2026:MHC:3762

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WA No. 1855 of 2025 and CMP No. 14191 of 2025

Dhanalakshmi

Appellant(s)

Vs

1. The District Collector
Kancheepuram District.

2.The District Revenue Officer,
Kancheepuram.

3.The Tahsildar,
Walajabad Taluk, Kancheepuram
District.

4.A.Chandra

Respondent(s)

PRAYER

To set aside the order passed in WP. No. 26289 of 2024 dated 11.09.2024 and consequently quash the order passed by the 2nd respondent in Na.Ka.No.6845/2023/A4 dated 12.07.2024.

For Appellant(s): Mr.P.Arumugavel

For Respondent(s): Mr.G.Abraham Prabhu,
AGP For R1 to R3
R4-exparte

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ORDER

(Order of the Court was made by Abdul Quddhose J.)

This writ appeal has been filed, challenging the order dated 11.09.2024 passed by the learned Single Judge of this Court in W.P. No.26289 of 2024.

2.In the aforesaid order, the learned Single Judge had dismissed the writ petition filed by the appellant on the ground that the appellant had not established her title over the property. In paragraph No.4 of the impugned order of the learned Single Judge, an observation has been made that undoubtedly, the appellant's husband A.Ranganathan and the fourth respondent are son and daughter respectively of the original patta holder Anjooran and the appellant has been unable to establish exclusive right over the property by producing any document.

3.Learned counsel for the appellant drew the attention of this Court to the patta for the subject property standing in the name of the appellant's husband A.Ranganathan issued on 19.11.1986 by the Tahsildar. He would submit that the said patta, under the impugned order passed by the second respondent dated 12.07.2024, has now been ordered to be cancelled. He would submit that the second respondent ought to have directed the fourth respondent to approach the civil court, but instead has erroneously ordered for cancellation of patta standing

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in the name of the appellant's husband A.Ranganathan, who is no more. Based on the representation given by the fourth respondent, who is the sister of the appellant's husband A.Ranganathan, the second respondent passed the impugned order dated 12.07.2024 ordering for cancellation of the appellant's husband's patta. He also relied upon a decision of the Hon'ble Supreme Court **dated 06.02.2020 rendered in Civil Appeal No.1318 of 2017 in the case of M/s.Edelweiss Asset Construction Company Limited vs. R.Perumalswamy and others** and would submit that as per the said decision, 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 order on the ownership from a competent civil court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.

4.Relying upon the aforesaid decision, the learned counsel for the appellant would submit that the second respondent ought not to have passed the impugned order by cancelling the patta standing in the name of the appellant's husband Ranganathan as the dispute raised by the fourth respondent through her representation involves succession of the property between two legal heirs. He would submit that when an order has already been issued in favour of the appellant in the year 1986 itself, the impugned order could not have been passed

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by the second respondent on 12.07.2024. He would submit that the second respondent ought to have directed the fourth respondent to approach the Civil Court, but instead, he has passed the impugned order dated 12.07.2024 erroneously, which is not in accordance with law as held by the decision rendered by the Hon'ble Supreme Court, referred to supra. Learned counsel for the appellant would also submit that the learned Single Judge of this Court in the impugned order dated 11.09.2024 passed in W.P. No.26289 of 2024 has committed an error by dismissing the writ petition filed by the appellant and by not quashing the impugned order of the second respondent dated 12.07.2024 and by not directing the fourth respondent to approach the civil court for the redressal of her grievance as raised in her representation.

5.On the other hand, the learned Additional Government Pleader appearing for the official respondents R1 to 3 would reiterate the contents of the impugned order passed by the second respondent as well as the impugned order passed by the learned Single Judge of this Court.

6.Notice has been duly served on the fourth respondent and her name is also printed in the cause list today. No one has entered appearance on her behalf. Hence, the fourth respondent is set exparte by this Court.

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Discussion:

7.Admittedly, patta was issued in the name of the appellant's husband A.Ranganathan while he was alive in the year 1986 (19.11.1986). The appellant claimed in the writ petition as well as before the second respondent in the impugned proceedings that her husband A.Ranganathan was in possession of the property ever since the issuance of patta in his favour on 19.11.1986. The fourth respondent is the sister of the appellant's husband A.Ranganathan. Only based on her representation made in the year 2022, patta issued in favour of the appellant's husband A.Ranganathan in the year 1986 has been ordered to be cancelled under the impugned order of the second respondent dated 12.07.2024. Admittedly, the appellant's husband A.Ranganathan and the fourth respondent are brother and sister. Even in the mortgage deed executed for the subject property, the owners are disclosed as Anjooran and the appellant's husband A.Ranganathan. Anjooran is the father of Ranganathan. After a long lapse of more than 35 years, based on a mere representation given by the fourth respondent, who is the sister of Ranganathan, the patta issued in favour of Ranganathan has been ordered to be cancelled under the impugned proceedings of the second respondent dated 12.07.2024 which in the considered view of this court is improper as the representation of the fourth respondent could have been considered only by a civil court as it requires oral and documentary evidence to be submitted by the fourth respondent as well as the appellant herein who is the wife of late Ranganathan.

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8.Various issues which include the issue of limitation will also arise for adjudication which cannot be adjudicated by the revenue authorities through a mere representation submitted by Ranganathan's sister, namely, fourth respondent herein. We are of the considered view that the second respondent ought to have directed the fourth respondent to approach the civil court for redressal of her grievance with regard to the title of the subject property. Only after letting in oral and documentary evidence, it can be adjudicated as to who is the owner of the property. The same can be adjudicated only by a civil court and not by the revenue authorities as they do not have power to analyse oral and documentary evidence. Therefore, we are of the considered view that the impugned order passed by the second respondent dated 12.07.2024 which has been ordered to be quashed by the learned Single Judge under the impugned order dated 11.09.2024 passed in W.P. No.26289 of 2024 is incorrect.

9.The decision of the Hon'ble Supreme Court relied upon by the learned counsel for the appellant, during the course of his submissions, in the case of **M/s.Edelweiss Asset Construction Company Limited vs. R.Perumalswamy and others dated 06.02.2020 rendered in Civil Appeal No.1318 of 2017** also supports the case of the appellant herein. In the said decision, it has been made clear that 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

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interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain order on the ownership from a competent civil court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.

10.In the case on hand, admittedly, there is a dispute with regard to the ownership of the property between the appellant's husband A.Ranganathan and the fourth respondent, who are brother and sister respectively. Admittedly, patta was issued in favour of the appellant's husband A.Ranganathan for the subject property in the year 1986 itself. Only after a lapse of more than 35 years, the fourth respondent had chosen to give a representation to the revenue authorities seeking for cancellation of Ranganathan's patta and for restoration of the same in the name of the fourth respondent's and Ranganathan's father Anjooran. Various issues were cropped up and the same were adjudicated by the court of law which include the question of limitation and those issues can be adjudicated only by a Civil Court and not by the revenue authorities.

11.Instead of directing the fourth respondent to approach the civil court, the second respondent under the impugned order dated 12.07.2024 has erroneously considered the representation submitted by the fourth respondent and adjudicated the same by ordering for cancellation of Ranganathan's patta issued in the name of Ranganathan and by restoring the original patta standing

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in the name of Anjooran which in the considered view of this Court is incorrect and is not in accordance with law as laid down by the Hon'ble Supreme Court in the decision relied upon by the learned counsel for the appellant, referred to supra.

12.The learned Single Judge of this Court has erroneously dismissed the writ petition filed by the appellant through the impugned order dated 11.09.2024 passed in W.P. No.26289 of 2024 by observing that the appellant has failed to establish that the appellant's husband A.Ranganathan became the absolute owner of the property by virtue of the patta standing in the name of the appellant's husband A.Ranganathan as the appellant did not produce any documentary evidence to establish title over the property.

13.For the foregoing reasons, we are of the considered view that the impugned order of the second respondent dated 12.07.2024 as well as the impugned order of the learned Single Judge dated 11.09.2024 passed in W.P. No.26289 of 2024 have to be quashed and this writ appeal has to be allowed.

14.Accordingly, the impugned order of the second respondent dated 12.07.2024 and the impugned order of the learned Single Judge dated 11.09.2024 passed in W.P. No.26289 of 2024 are quashed and this writ appeal is allowed by granting liberty to the fourth respondent to approach the Civil Court

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in case the fourth respondent decides to claim title over the subject property, which was the subject matter of the impugned order of the second respondent dated 12.07.2024. Consequently, connected CMP is closed. No costs.

(ABDUL QUDDHOSE J.)(R.RAJESH VIVEKANANTHAN J.)
10-09-2026

Index:Yes
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes
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