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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 12/11/2026

Pronounced on : 18/11/2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 7719 of 2025

CNR:{HCMA010384752025}

AND

WMP NO. 8673 OF 2025

Case QR

Palanisamy.K
s/o. KALIYANNA GOUNDAR,
NO. 1/75 PERAMANDAMPALAYAM, SIRCAR
VALAVANDHI,
NAMAKKAL DISTRICT 637 017.

..Petitioner(s)

Vs

1. The District Revenue Officer
   Namakkal, Namakkal District
2. The Revenue Divisional Officer
   Namakal Distirct, Namakkal
3. The Tahsildar,
   Mohanur Tlauk, Namakal District
4. The Villlage Administrative Officer
   Peramandampalayam Village, Mohanur Taluk,
   Namakal District
5. The Sub Registrar
   Mohanur Sro, Namakal District
6. Dhanabakyam P
   W/o. Palaniyapan Peramandampalayam
   Pudhur, S Valavandhi Post, Mohanur Taluk,
   Namakal District 637 017.
7. Meganathan P
   S/o. Palaniyapan,
   2/78 Sengapalli Palapatti Post,
   Mohanur Taluk, Namakal

..Respondent(s)

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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the Proceeding of the 1st respondent vide Pa Mu no. 19417/2024/01 dated 10.01.2025 which confirms the order passed by the 2nd respondent in proceedings vide Ni. Mu no. 2788/2024/A6 dated 27.06.2024 and quash the same and consequentially direct the respondents 1 to 3 to cancel the patta No. 2306, granted to the 7th respondent and grant patta to the petitioner with respect to the entire property in S Nos. 180/1 and 188/1 in Peramandampalayam village, Mohanur Taluk, Namakkal District.

For Petitioner(s): Ms.V.Sasi
for Mr.K.Sharath Chandran

For Respondent(s): Ms.Saranya Priya
Government Advocate
for R.R.1 to 5

Mr.B.Vijayakumar
for R.R.6 and 7

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Order

The petitioner seeks a writ of certiorarified mandamus to quash the proceedings of the District Revenue Officer, Namakkal, in Pa.Mu.No.19417/2024/01 dated 10.01.2025, confirming the proceedings of the

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Revenue Divisional Officer, Namakkal, in Ni.Mu.No.2788/2024/A6 dated 27.06.2024. He also seeks cancellation of the consequential entry in favour of the seventh respondent and restoration of the patta in his name for S.Nos.180/1 and 188/1 in Peramandampalayam Village, Mohanur Taluk, Namakkal District.

2. The lands measure 1.40.0 hectares in S.No.180/1 and 0.72.5 hectares in S.No.188/1. They originally stood in the name of Kaliyanna Gounder under UDR Patta No.90. He died on 03.10.1989. The petitioner and the sixth respondent are his son and daughter. The village chitta and computerized revenue records subsequently showed the two survey numbers in the petitioner's name under Patta No.1136. The petitioner claims that his sisters orally relinquished their rights in his favour. He relies on the patta, mortgage entries and tax receipts in support of his case of possession and enjoyment.

3. The sixth respondent instituted O.S.No.154 of 2015 before the Additional Subordinate Court, Namakkal, seeking recovery of possession. Her case was that a portion representing a one-fifth share had been allotted to her under an oral partition and that the petitioner had dispossessed her. The petitioner, who was the fourth defendant in that suit, denied the oral partition and pleaded oral relinquishment by his sisters.

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4. By judgment and decree dated 29.02.2024, the civil court dismissed the suit without costs. It held that the sixth respondent failed to establish the alleged oral allotment on which she sought delivery of possession. The court also found that the petitioner failed to establish the alleged oral relinquishment and recorded that he was in possession and enjoyment. The decree refused delivery of possession to the sixth respondent. It contained no declaration of exclusive title in favour of the petitioner and no adjudication quantifying the parties' shares by succession.

5. After dismissal of the suit, the sixth respondent presented a representation dated 11.03.2024 to the District Collector at a public grievance meeting. She sought inclusion of her name in the patta on the strength of the legal heirship certificate. She represented that the civil court had found the earlier mutation invalid and denied her possession because the patta stood in the petitioner's name. The judgment, read as a whole, shows that delivery of possession was refused because she failed to establish the oral allotment pleaded by her. The court's rejection of the petitioner's plea of oral relinquishment did not direct cancellation of Patta No.1136 or inclusion of the sixth respondent's name.

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6. The second respondent obtained a report from the Tahsildar dated 16.05.2024 and conducted enquiries on 30.05.2024 and 14.06.2024. The Village Administrative Officer reported that the UDR 'A' Register continued to show Patta No.90 in the father's name, while the computerized chitta showed Patta No.1136 in the petitioner's name. He also reported that the petitioner was in possession and enjoyment. The second respondent relied on the absence of a traceable order for the earlier mutation and on the petitioner's failure to produce a release deed or any document of transfer from his father. By order dated 27.06.2024, he cancelled the entries in Patta No.1136 for the two survey numbers, restored the entries in the deceased father's name and left it open to the parties to apply for inclusion on the basis of the legal heirship certificate.

7. On 08.07.2024, the sixth respondent executed registered Gift Settlement Deed No.1763 of 2024 in favour of her son, the seventh respondent, purporting to settle her claimed one-fifth share. The electronic extract of Patta No.2306 records a mutation dated 14.07.2024, showing the deceased Kaliyanna Gounder and the seventh respondent as joint pattadars in both survey numbers. The extract specifies no separate one-fifth subdivision. The petitioner alleges that he received no notice of this mutation.

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8. The petitioner challenged the second respondent's order on 16.07.2024. The first respondent treated the challenge as a revision and conducted enquiries on 25.11.2024 and 06.01.2025. The Village Administrative Officer stated that the seventh respondent's name was entered following the restoration of the patta to the deceased father's name and the execution of the gift settlement deed. By order dated 10.01.2025, the first respondent confirmed the cancellation of the petitioner's patta and the restoration of the earlier UDR entry. The first respondent did not separately decide whether the entry in the seventh respondent's favour was sustainable.

9. In her counter-affidavit, the sixth respondent maintains that she is entitled to a one-fifth share, that the parties were heard in the revenue proceedings and that the settlement is confined to her share. She relies on the rejection of the petitioner's plea of oral relinquishment and points out that he had sought no declaration of exclusive title in the civil suit. These submissions bear on the rival claims to the property. The question in this writ petition is whether the revenue authorities could alter the existing entries while those claims remained unresolved.

10. Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 provides for modification of entries in circumstances including death and transfer of interest. Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 requires the parties to

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obtain a ruling on ownership from the competent civil court before the existing entries are changed where the dispute involves succession and the interested parties have not agreed on ownership in writing. Under the proviso to Section 14 of the Act, a person aggrieved by an entry may seek a declaration of rights against the rival claimant, and the entry is to be amended in accordance with the declaration.

11. In Edelweiss Asset Construction Co. Ltd. v. R. Perumalswamy, (2021) 11 SCC 98, particularly at paragraphs 17 to 19, the Supreme Court construed Section 14 and Rule 4(4) and held that a dispute concerning title underlying a patta entry must be adjudicated by the competent civil court. The revenue records are then to be brought into conformity with the civil decree. The Division Bench of this Court in Vishwas Footwear Co. Ltd. v. District Collector, Kancheepuram, 2011 (5) CTC 94, cancelled an existing patta issued at the instance of a rival claimant and restored the prior entry subject to adjudication by the civil court.

12. In the present case, the existence of a genuine dispute was apparent from the representation, the objections and the judgment in O.S.No.154 of 2015. The absence of a traceable transfer order in the village records called for verification. It did not, by itself, establish that the existing entry was a clerical error or that it had been made without authority. The second respondent rested

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the cancellation also on the absence of instruments establishing the petitioner's exclusive title and proceeded on the footing that the names could thereafter be entered on the basis of the legal heirship certificate. The certificate identifies the persons shown as heirs. It does not resolve the dispute over their rights in these lands. In substance, the existing entry was displaced on grounds that depended on the parties' competing claims of devolution and relinquishment. Rule 4(4) required those claims to be left to the competent civil court. The first respondent's confirmation of the cancellation suffers from the same jurisdictional error.

13. The judgment in the possession suit afforded no basis for either mutation. The rejection of the sixth respondent's plea of oral partition did not extinguish any interest she may have acquired by succession. The rejection of the petitioner's plea of oral relinquishment likewise did not establish the sixth respondent's asserted one-fifth share. The appellate decree dated 19.12.2024 in A.S.No.19 of 2023, arising from O.S.No.171 of 2016, dealt with the location and use of a common pathway and confined the mandatory injunction to S.No.187/2B. It supplies no adjudication of the parties' shares in either of the survey numbers in this writ petition.

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14. The seventh respondent claims through the sixth respondent. A registered gift settlement can operate to the extent of the transferable interest held by the donor. Registration does not establish the donor's title or the extent of that interest. The entry in Patta No.2306, as explained by the Village Administrative Officer before the first respondent, was made following the second respondent's order and on the strength of the settlement deed. That consequential entry cannot stand once its revenue basis is set aside. The validity and effect of the settlement deed, and the extent of any interest conveyed under it, are left for adjudication by the competent civil court. The petitioner's allegation as to notice of the consequential mutation need not be decided in view of this conclusion.

15. The petitioner has already pursued the revision before the first respondent. The counter-affidavit identifies no statutory provision for the asserted further appeal to the Government. The civil remedy remains available to determine title and shares. The jurisdictional defect in the impugned revenue proceedings warrants interference under Article 226 of the Constitution.

16. Accordingly, the **writ petition is allowed in part.** The proceedings of the second respondent dated 27.06.2024 and of the first respondent dated 10.01.2025 are quashed insofar as they concern S.Nos.180/1 and 188/1. The

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consequential entries for those survey numbers under Patta No.2306 are set aside. The third respondent shall restore the revenue entries for those survey numbers as they stood under Patta No.1136 immediately before the second respondent's order, subject to any subsisting decree or order of a competent civil court governing those entries.

17. The restoration is confined to the revenue records. Questions of title, shares, partition and the effect of Gift Settlement Deed No.1763 of 2024 are left open for adjudication in appropriate civil proceedings, subject to the legal effect of the findings and decree in O.S.No.154 of 2015. The pathway decree as modified in A.S.No.19 of 2023 shall be given effect according to its terms.

No costs. Consequently, connected Miscellaneous Petition is closed.

(K.SURENDER,J)
18/11/2026

Neutral Citation: Yes/No

mvs.

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mvs.

Pre-delivery order made in
WP No. 7719 of 2025

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