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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Reserved on : 02-11-2026**

**Pronounced on : 18-11-2026**

CORAM

**THE HON'BLE MRS.JUSTICE THIRUMAGAL CHANDRASEKAR**

**REV.APLC(MD) No. 164 of 2026**

CNR:{HCMD011104902018}

Case QR

1. The Government of Tamil Nadu,
   Rep. by its District Collector,
   Tiruchirappalli.

2. The Tahsildar
   Trichy (East) Taluk Office,
   Town Hall Road,
   Tiruchirappalli.

.. Petitioners / Defendants

Vs

Pavala Malliga
W/o. Anbudhasan,
No.12/6-2, Rajaveethi,
Kamaraj Nagar,
Ariyamangalam,
Trichy District.

..Respondent / Plaintiff

**PRAYER:** Review Application has been filed under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, seeking review of the judgment dated 01.12.2016 passed in S.A.(MD) No.1222 of 1999, whereby this Court dismissed the Second Appeal and confirmed the judgment and decree dated 21.06.199 made in A. S. No. 54 of 1998 on the file of the Subordinate Court, Thiruchirappalli and judgment and decree dated 19.02.1997 made in O. S. No. 114 of 1996 in the file of I Additional District Munsif, Tiruchirapalli.



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For Petitioner : Mr. J. Bharadhan
Additional Advocate General
for Mr. P. Sathish Kumar,
Government Advocate

For Respondent : Mr. S. C. Herold Singh

**ORDER**

This Review Application has been filed seeking review of the judgment dated 01.12.2016 passed in S.A.(MD) No.1222 of 1999, whereby this Court allowed the Second Appeal and set aside the judgment and decree dated 21.06.199 made in A.S. No. 54 of 1998 on the file of the Subordinate Court, Thiruchirappalli, and confirming the Judgment and decree dated 19.02.1997 made in O. S. No. 114 of 1996 on the file of I Additional District Munsif, Tiruchirapalli.

**2. The Brief Facts of the Case are as follows:**

(i). The plaintiff instituted the suit claiming ownership and possession of the suit property comprised in Survey No.60/3G, situated at Chenkulam Village, Tiruchirappalli Taluk and District, on the basis of Darkasth Patta No.203/83, issued by the Government on 10.06.1974. According to the plaintiff, possession of the property was also delivered to her pursuant to the assignment, and from the date of assignment, she



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had been in continuous possession and enjoyment of the same by putting up a thatched shed, tethering and grazing cattle and filling up the land with soil brought in lorries at his own expenses. The plaintiff further relied upon a no objection certificate dated 27.03.1990 issued by the second defendant, permitting her to mortgage the property for obtaining an agricultural loan, and a property valuation certificate dated 04.06.1991, in support of her claim of possession and enjoyment.

(ii). It was further contended that, on 25.01.1996, the officials working under the second defendant attempted to dispossess her from the suit property and threatened to evict her within ten days without any lawful authority. Hence, the plaintiff instituted the suit seeking appropriate reliefs in respect of her right, title and possession over the suit property.

(iii). The defendants contested the suit by denying the plaintiff's title and possession. They contended that the suit property was lying vacant and that the documents relied upon by the plaintiff were questionable. It was specifically contended that no assignment had been made in favour of the plaintiff in respect of Survey No.60/3G, as the said survey number had not been subdivided in the revenue records of



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Chenkulam Village. The defendants also disputed the genuineness and evidentiary value of the No Objection Certificate and the property valuation certificate relied upon by the plaintiff and contended that the suit was devoid of any cause of action.

(iv). The Trial Court, upon consideration of the oral and documentary evidence adduced by both parties, decreed the suit in favour of the plaintiff. Aggrieved by the same, the defendants preferred an appeal before the First Appellate Court. The First Appellate Court allowed the appeal and set aside the judgment and decree of the Trial Court. Challenging the same, the plaintiff preferred a Second Appeal in S.A.No.1222 of 1999, which was allowed by this Court, setting aside the judgment and decree of the First Appellate Court and thereby restoring the judgment and decree of the Trial Court.

(v). Thereafter, the plaintiff submitted a representation dated 02.05.2023 to the defendants' seeking incorporation of the property particulars in the revenue records and issuance of a computerized patta in respect of the property covered under Darkasth Patta No.203/83, comprised in Survey No.60/3G, Chenkulam Village. As the said representation was not considered, the plaintiff filed the writ petition



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before this Court in WP(MD).No.13479 of 2023 seeking a direction to the 2nd respondent herein to consider the representation and consequently direct the Revenue Divisional Officer, Thiruchirappalli Taluk to incorporate the plaintiff's land particulars in the revenue records and issue computerized patta.

(vi). This Court in the said writ petition, taking note of the judgment and decree passed in S.A.No.1222 of 1999, held that the defendants, having unsuccessfully disputed the plaintiff's claim and the genuineness of the documents in the earlier civil proceedings, could not once again deny issuance of patta on the same grounds. Accordingly, this Court directed the second respondent herein to consider the plaintiff's representation dated 02.05.2023 in the light of the judgment in S.A.No.1222 of 1999 and issue computerized patta in respect of the subject property. It was also observed that, if the authorities contended that the subject survey number was classified as a water body, they would be at liberty to initiate appropriate proceedings in accordance with law, but could not refuse issuance of patta without following due process of law.



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3. Aggrieved by the aforesaid directions issued in the said writ petition, the defendants have filed the present Review Application seeking review of the Judgment passed by this Court in the Second Appeal.

4. Heard Mr. J. Bharadhan, learned Additional Advocate General appearing for Mr.P. Sathish Kumar, learned Government Advocate, appearing for the petitioners / defendants and Mr. S. C. Herold Singh, learned counsel appearing for the respondent / plaintiff and perused the materials available on record.

5. The principal contention raised by the Review Petitioners / defendants is that the subject property, measuring an extent of 3.00 acres in Survey No.60/3G of Chenkulam Village, Tiruchirappalli Taluk and District, was never validly assigned to the respondent / plaintiff under Darkasth Patta No.203/83. According to the Review Petitioners / defendants, the said Darkasth Patta relates to a different property situated in Kiliyur Village and not to the subject property. It is their further contention that the entire Survey No.60/3 is classified as "Sarkar Poramboke – Chenkulam Eri" in the revenue records and that no subdivision as Survey No.60/3G has ever been effected. Therefore,



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according to them, the respondent / plaintiff cannot claim any right, title or possession over the subject property on the basis of the alleged assignment.

6. Per contra, the contention of the respondent / plaintiff is that the Government had assigned the subject property in her favour under Darkasth Patta No.203/83, dated 10.06.1974, and that possession was also delivered to her pursuant to the said assignment. She further claims that she had been in continuous possession and enjoyment of the property by putting up a thatched shed, tethering and grazing cattle and improving the land by filling it with soil. In support of her claim, she relies upon Ex.A2, the alleged Darkasth Patta, Exs.A3 and A4, the No Objection Certificates issued by the revenue authorities, and Ex.A5, the valuation/solvency certificate.

7. The Trial Court, upon consideration of the oral and documentary evidence, accepted the respondent / plaintiff's claim and decreed the suit for permanent injunction. However, the First Appellate Court, upon re-appreciation of the evidence, reversed the judgment and decree of the Trial Court and dismissed the suit. The First Appellate Court specifically considered the discrepancy in the Darkasth Patta Register, the



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classification of the subject property in the Settlement 'A' Register, the absence of subdivision and the failure of the respondent / plaintiff to establish her actual possession and enjoyment of the suit property.

8. In the Second Appeal in S.A.No.1222 of 1999, this Court set aside the judgment and decree of the First Appellate Court and restored the judgment and decree of the Trial Court. The respondent / plaintiff thereafter approached this Court by filing a writ petition seeking incorporation of the property particulars in the revenue records and issuance of a computerized patta. This Court, taking note of the judgment rendered in the Second Appeal, issued directions to the revenue authorities to consider the respondent / plaintiff's representation dated 02.05.2023 in the light of the earlier judgment and proceed in accordance with law.

9. The Review Petitioners / defendants now contended that the actual identity and classification of the subject property were not finally examined in the earlier proceedings and that the respondent / plaintiff has misconstrued the judgments and orders passed by this Court to claim a right to obtain patta in respect of a water body. Therefore, the principal issue that arises for consideration in the present Review Application is



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whether the alleged Darkasth Patta No.203/83 relates to the subject property situated in Chenkulam Village or to a different property situated in Kiliyur Village and, further, whether the subject property is classified as Eri Poramboke in the relevant revenue records.

10. This Court has carefully considered the rival submissions and perused the materials placed on record, particularly Ex.A2, Exs.B1 and B2 and the relevant findings rendered by the First Appellate Court. On such consideration, it is seen that the respondent / plaintiff's claim of title substantially rests upon Ex.A2, the alleged Darkasth Patta No.203/83. However, the Darkasth Patta Register extract produced by the Review Petitioners / defendants as Ex.B1 reflects that the entry bearing Serial No.203/83 relates to a property situated in Kiliyur Village. No corresponding entry relating to the subject property in Chenkulam Village has been established by the respondent / plaintiff.

11. It is further seen from Ex.B2, the Settlement 'A' Register extract relating to Chenkulam Village, that Survey No.60/3 is classified as "Sarkar Poramboke – Chenkulam Eri". Though the relevant columns of the register refer to the land as Government poramboke, the description in the relevant classification column specifically identifies the



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property as Chenkulam Eri. Therefore, the contention that the land is merely an unclassified Government poramboke cannot be accepted. The description in the revenue records, read as a whole, indicates that the subject survey number is classified as a water body.

12. The respondent / plaintiff has not produced any material to establish that the classification of the subject property as Eri Poramboke was subsequently altered by the competent authority in accordance with law. Equally, there is no material to establish that the alleged subdivision of Survey No.60/3 into Survey No.60/3G was duly effected and incorporated in the relevant revenue records. The absence of such subdivision assumes significance, particularly when the Darkasth Patta itself refers to a proposed subdivision.

13. Further discrepancy arises with regard to the identification of the alleged assigned land. Survey No.60/3 comprises a larger extent of 16.60.02 hectares, whereas Ex.A2 refers only to an extent of 3.00 acres. The said document does not contain the particulars of the four boundaries or any definite particulars identifying the exact location of the alleged 3.00 acres within the larger survey number. In the absence of a duly effected subdivision, survey sketch or other reliable material identifying



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the assigned portion, the respondent / plaintiff has not established that the property described in the plaint is the very same property allegedly covered under Ex.A2.

14. The First Appellate Court had specifically considered the aforesaid discrepancies and observed that the respondent / plaintiff could not establish her title merely on the basis of Ex.A2. It had also considered the evidence of PW1, who is the husband of the respondent / plaintiff, and found that his testimony, when read in its entirety, did not establish the respondent / plaintiff's lawful possession and enjoyment of the subject property. The First Appellate Court further noticed the absence of independent oral evidence, tax receipts relating to the alleged thatched shed, proof of payment of kist and mutation of the revenue records in the respondent / plaintiff's name.

15. In this regard, it is relevant to note that Ex.A3 refers to the respondent / plaintiff carrying on dry cultivation, whereas her case in the plaint was that she had been in possession by putting up a thatched shed and tethering cattle. Further, Ex.A5 refers to the valuation of the property as house sites, though the respondent / plaintiff's earlier request under Ex.A1 was for assignment of agricultural land. These circumstances were



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considered by the First Appellate Court while examining the reliability of the respondent / plaintiff's claim. The mere issuance of No Objection Certificates or a valuation certificate by the revenue authorities cannot, by itself, establish title or lawful possession, particularly when the foundational document of assignment and the identity of the property covered thereunder remain seriously disputed.

16. This Court is conscious of the fact that the First Appellate Court had reversed the decree of the Trial Court after independently appreciating the oral and documentary evidence. The Trial Court had accepted the respondent / plaintiff's claim substantially on the basis of Ex.A2 and the certificates issued by the revenue authorities. However, the First Appellate Court had considered the entire testimony of PW1, the evidence of DW1, the relevant revenue records and the discrepancies in the documents relied upon by the respondent / plaintiff. The findings of the First Appellate Court concerning the identity of the property, the classification of the land and the absence of proof of possession were therefore material issues requiring consideration in the subsequent proceedings.

17. It is also necessary to consider the legal position governing the



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protection of water bodies. In the judgment of this court in the case of ***T.K. Shanmugam v. State of Tamil Nadu***, reported in **2015 (5) LW 397**, a Full Bench of this Court elaborately considered the Public Trust Doctrine, its origin, scope and object. The Full Bench traced the genesis of the doctrine to the Justinian Code and the concept of *Res Communes*, under which natural resources such as air, running water and other common resources are held for the benefit of the public. Further the Full Bench has held that the public trust doctrine requires that natural resources such as lakes, ponds etc., are held by the State as a 'trustee' of the public and can be disposed of only in a manner that is consistent with the nature of such a trust. The Full Bench further considered the Government Orders issued from time to time, including G.O.(Ms.) No.854, Revenue Department, dated 30.12.2006, and the subsequent Government Orders concerning regularisation of encroachments in water bodies. It held that the regularisation of encroachments in water bodies would amount to a breach of the public trust reposed in the State, which is under a duty to protect and preserve such natural resources for the benefit of the present and future generations. The principle laid down therein makes it clear that private claims cannot be permitted to defeat the public character and purpose of lands classified as water bodies.



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18. Similarly, this Court in the case of ***L. Krishnan v. State of Tamil Nadu***, reported in **2005 (4) CTC 1**, considered that the necessity of protecting water bodies and preventing encroachments into lands classified as Odai Poramboke and other lands earmarked for the storage of water, such as ponds, lakes and tanks. This Court emphasised that the State is required to take appropriate steps to remove such encroachments and restore the water bodies to their original condition, particularly in view of the acute shortage of water prevailing in several parts of the State. The judgment also recognised the importance of preserving the water resources reflected in the revenue records for the larger public interest.

19. The aforesaid judgments lay down the principle that the State holds natural water resources in trust for the benefit of the public and is duty-bound to protect and preserve them. Therefore, when the relevant revenue records classify a particular land as an Eri Poramboke, the authorities cannot proceed to assign such land to an individual merely on the basis of a disputed document, without first establishing that the land is legally capable of assignment and that the classification has been altered by the competent authority in accordance with law.



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20. In the present case, Ex.B2 reflects the classification of Survey No.60/3 as "Sarkar Poramboke – Chenkulam Eri". There is no material to establish that the said classification was subsequently altered or that the subject property was lawfully excluded from the water body. In such circumstances, the respondent / plaintiff cannot claim an enforceable right to obtain patta or mutation of revenue records merely on the basis of the alleged Darkasth Patta and the subsequent certificates issued by the revenue authorities.

21. The contention of the respondent / plaintiff that the revenue officials had issued Exs.A2 to A5 and that the said documents must consequently be accepted as genuine and binding upon the Government also requires consideration. An official document may be relevant evidence of the act recorded therein; however, its issuance cannot dispense with the requirement of establishing the identity of the property, the authority of the officer issuing it and the legality of the assignment. If the foundational assignment itself is not established as relating to the subject property, the subsequent certificates cannot independently confer title or create an enforceable right to obtain patta.

22. This Court is also conscious that the judgment rendered in the



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Second Appeal and the subsequent order passed in the Writ Petition cannot be construed as authorising the assignment or regularisation of a water body in favour of a private individual. The direction issued in the writ proceedings was to consider the respondent / plaintiff's representation in the light of the earlier judgment and proceed in accordance with law. Such a direction cannot be understood as dispensing with the statutory requirements governing the preservation of water bodies or as compelling the authorities to issue patta in respect of land which is established to be an Eri Poramboke.

23. The Review Petitioners have specifically contended that the identity of the land covered under Darkasth Patta No.203/83 was not finally adjudicated in the earlier proceedings. On examination of the materials placed before this Court, particularly Ex.B1 and Ex.B2, it is evident that the discrepancy between the entry in the Darkasth Patta Register and the revenue classification of Survey No.60/3 raises a material issue concerning the identity and legal character of the subject property. The alleged assignment in favour of the respondent / plaintiff cannot be treated as conclusive proof of title to the suit property without establishing that the document actually relates to the land situated in Chenkulam Village.



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24. The evidence of DW1, the then Tahsildar, regarding the possibility of omission or failure on the part of the revenue officials to make an appropriate entry in the Darkasth Patta Register cannot, by itself, establish that the alleged assignment relates to the subject property. Such a possibility cannot override the existing revenue records or substitute for legally acceptable proof of the identity and location of the assigned land. The burden of establishing that Ex.A2 relates to the suit property rests upon the respondent / plaintiff, who relies upon the said document to claim title.

25. In the light of the above discussion, this Court finds that the respondent / plaintiff has not established that Darkasth Patta No.203/83 was issued in respect of the property situated in Survey No.60/3G of Chenkulam Village. The materials placed on record indicate that the entry bearing the said number in the Darkasth Patta Register relates to Kiliyur Village, whereas the relevant Settlement 'A' Register classifies Survey No.60/3 as Chenkulam Eri Poramboke. The alleged subdivision and identification of the extent of 3.00 acres have also not been established by reliable documentary evidence.



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26. Consequently, the respondent / plaintiff cannot seek issuance of computerized patta or incorporation of her name in the revenue records on the strength of Ex.A2 and the subsequent certificates, without establishing the legality and applicability of the alleged assignment to the subject property. The protection of water bodies being a matter of public interest, the authorities are under an obligation to preserve the classification and character of the subject land in accordance with law.

27. This Court is, therefore, of the considered view that the material discrepancies relating to the identity of the property, the Darkasth Patta Register and the classification of the subject land require reconsideration in the present Review Application. The earlier direction in the writ proceedings cannot be treated as an unconditional direction to issue patta irrespective of the classification and legal status of the land. Accordingly, the Review Application deserves to be allowed.

28. In the result, this Review Application is allowed. No costs.

**18-11-2026**

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



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T. RAJAPRABA

To

1. The Subordinate Court, Thiruchirappalli.
2. The I Additional District Munsif, Tiruchirapalli.
3. The Section Officer, VR Section, High Court, Madurai.

**THIRUMAGAL CHANDRASEKAR, J.**

T. RAJAPRABA

**REV.APLC(MD) No. 164 of 2026**



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