

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE,
CHEYYAR, THIRUVANNAMALAI DISTRICT.**

Present : N.Suresh, M.L.,
Principal Subordinate Judge,
Cheyyar.

Thursday the 5th day of March - 2026
A.S.No.09/2017
TNTM04-000424-2017

1. Devarajan,
2. Vijayalakshmi,
3. PachaiyammalAppellants

//Versus //

1.Tahsildar,Cheyyar,
2. Revenu Devision Officer, Cheyyar,
3. Ranachandran
4. The District Collector, Thiruvannamalai. Respondents

On Appeal Against the Decree and Judgment Dated 28.02.2017,
passed in O.S.No.10 of 2013 by the Principal District Munsif Court,
Cheyyar.

Between, O.S.No.10 of 2013

1. Devarajan,
2. Vijayalakshmi,
3. PachaiyammalPlaintiffs

//Versus //

1.Tahsildar,Cheyyar,
2. Revenu Devision Officer, Cheyyar,
3. Ranachandran
4. The District Collector, Thiruvannamalai. Defendants.

(Amended as per Order in I.A.784/2013, dated 29.11.2013 4th defendant have been added as parties.)

This appeal is coming on 16.02.2026 for final hearing before me in the presence of **Thiru.V.Munusamy** Advocate for the appellants and 1st to 4th respondents called absent. Set ex-parte and heard the arguments and available records are perused and having stood over for consideration till this day, this court delivered the following:-

JUDGMENT

The appeal is preferred under Order 41 Rule 1 and Section 96 of the Code of Civil Procedure (hereinafter referred to as “the Code”). This appeal arises out of the judgment and decree in O.S.No.10 of 2013 passed by the learned Principal District Munsif Court, Cheyyar (hereinafter referred to as “the Trial Court”), dated 28.02.2017.

The appellant filed a suit, Mandatory injunction before the Trial Court. After a full trial, the Trial Court dismissed the plaintiff's suit with costs. Aggrieved by the said judgment and decree, the Plaintiffs has preferred this appeal.

2. PLEADINGS BEFORE THE TRIAL COURT

(I) GIST OF THE PLAINT IN O.S.No.10 of 2013 :-

i). The disputed property is situated at Karuttal Village, Survey No.140/2, Patta No.470, having a total extent of 1.27.5 ares (3.19 acres), within the jurisdiction of the Dusi Sub-Registrar Office, Cheyyar Taluk, Thiruvannamalai District.

ii). The 2nd plaintiff purchased an extent of 0.44.5 ares (1.11 cents) in the said survey number on 18.01.2006 from S.V. Punniyakotti, son of Velu Gounder; S.P. Varadhan, son of Ponnusamy; Pachaiyammal, wife of Muruga Gounder; and Alraj, for valid consideration, under Document No. 39/2006, Book No. 1, pages 1 to 6, registered at the Dusi Sub-Registrar Office. Since the date of purchase, the 2nd plaintiff has been in peaceful possession and enjoyment of the said property without any hindrance.

iii). With respect to the remaining extent of 0.83.0 ares (2.08 acres) in Survey No. 140/2, the 1st plaintiff purchased an extent of 0.31.0 ares (0.77 cents) on 22.10.2007 from A. Thangaraj, son of Arumuga Mudaliar, for valid consideration, under Document No. 4955/2007, Book No. 1, Volume 801, pages 207 to 212, registered at the Dusi Sub-Registrar Office, and has been enjoying the same without any disturbance.

iv). Out of the remaining extent of 0.52.0 ares (1.31 acres), the 1st plaintiff purchased an extent of 0.06.0 ares (0.15 cents) on 29.10.2007 from Gunasekaran, son of Kanniyappa Gounder, under Document No. 5050/2007, pages 1 to 6, registered at the Dusi Sub-Registrar Office, for valid consideration, and has been in possession and enjoyment thereof.

v). Further, out of the remaining extent of 0.46.0 ares (1.16 acres), the 1st plaintiff purchased an extent of 0.24.0 ares (0.60 cents) from the 3rd defendant, K. Moorthy, son of Kannayya Naidu, on 19.07.2012, under Document No. 2320/2012 registered at the Thuthipet Sub-Registrar Office, for valid consideration. It is stated that the remaining extent of approximately 0.22.0 ares (0.56 cents) in the said survey number is presently in the possession of the 3rd plaintiff.

vi). In this situation, the 3rd defendant, with the assistance of the 1st defendant, has arbitrarily created a false boundary demarcation in respect of the 0.60 cents of land purchased by him in Survey No.140/2 and, by misusing his influence, obtained a joint patta on 27.12.2012. Although the names of the plaintiffs are included in the joint patta, the specific extents purchased by them are not mentioned, and the 3rd defendant has fraudulently obtained a computer-generated land record (chitta).

vii). It is further stated that the 3rd defendant, with the assistance of the 1st defendant, obtained the disputed property belonging to the plaintiffs under Patta No. 357-140/2 dated 03.01.2013. The 1st defendant ought to have issued notice to the owners of the adjacent lands during the subdivision process; however, without doing so, the 1st defendant issued a computer-generated patta in favour of the 3rd defendant.

viii). It is evident that in the computer-generated patta dated 03.01.2013, the name of the 3rd defendant appears under Patta No.479 and Survey No. 140/2, and that the 1st defendant deliberately assisted the 3rd defendant with the intention of deceiving the plaintiffs. There is also a likelihood that the 3rd defendant may alienate the disputed property belonging to the plaintiffs to third parties by relying upon the fraudulently obtained patta.

ix). In this regard, plaintiffs 1 and 2 submitted a petition on 20.07.2012 to the 1st defendant and the Village Administrative Officer, stating that the 3rd defendant was attempting to obtain the patta fraudulently and that the extents mentioned therein were incorrect. Despite receipt of the said petition,

the Village Administrative Officer and the 1st defendant did not issue any reply.

x). Further, on 11.08.2012, plaintiffs 1 and 2 submitted another petition to the 1st defendant and the Village Administrative Officer, requesting them to measure and properly subdivide the 2.03 cents of land purchased by the plaintiffs in the said survey number. Even after receipt of this petition, no response has been given till date.

xi). The 3rd plaintiff also submitted a petition on 05.09.2012 to the 1st defendant, the Chief Surveyor, and the Village Administrative Officer, requesting them to measure and subdivide the remaining portion of the property belonging to him. Despite receipt of the said petition, no reply has been given to the 3rd plaintiff to date.

xii). The plaintiffs contend that if the disputed properties are inspected by an Advocate Commissioner along with a Surveyor, including the Circle Surveyor, and a report is submitted regarding the nature and extent of the properties, the true state of affairs would be brought to the notice of this Hon'ble Court. Therefore, the plaintiffs have filed a petition seeking the appointment of an Advocate Commissioner along with the suit.

xiii). Since defendants 1 and 2 are the officials responsible for subdivision of the disputed property and issuance of patta, defendants 1, 2, and 4 have been impleaded as necessary parties to the suit.

xiv). The suit has been filed seeking a prohibitory injunction restraining the 3rd defendant from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property, and a mandatory injunction to cancel the patta

dated 27.12.2012 issued by the 1st defendant without proper inspection of the 3rd defendant's land. The suit also seeks a mandatory injunction directing defendants 2 and 4 to review the patta issued by the 1st defendant in favour of the 3rd defendant, properly subdivide the disputed property, and issue a fresh patta in favour of the plaintiffs, as stated in the plaint.

3. SUMMARY OF THE WRITTEN STATEMENT FILED BY THE 1ST DEFENDANT AND ADOPTED BY THE 2ND AND 4TH DEFENDANTS :-

i). The suit filed by the plaintiffs is not maintainable either in law or on facts and is liable to be dismissed. The 1st defendant states that the patta transfer was carried out erroneously without inspecting the property of the 3rd defendant, and that the allegations made in the suit regarding the failure to conduct a land survey, despite submission of documents by the 2nd and 3rd plaintiffs to the concerned authorities, are false.

ii). It is further stated that the land in respect of which the patta transfer was erroneously effected by the 1st defendant has since been identified, and the necessary corrections have been made in the computer records of the Tahsildar's office. A letter has also been sent to the Assistant Director, Geology and Mining Department, District Collector's Office, Tiruvannamalai, requesting temporary suspension of the permission sought by the plaintiffs for quarrying stones in the land for which they have sought a permanent injunction.

iii). The 1st, 2nd, and 4th defendants are Government officials who are bound to act in accordance with the laws of the Government and the orders of the Court. It is further contended that if the plaintiffs had issued prior notice to the 1st, 2nd, and 4th defendants under Section 80 of the Code of Civil

Procedure before filing the suit, an appropriate reply would have been given.

The cause of action stated by the plaintiffs in the plaint is denied as incorrect, and it is also contended that the court fee paid is improper. Therefore, the suit filed by the plaintiffs is liable to be dismissed.

4. SUMMARY OF THE WRITTEN STATEMENT FILED BY THE 3th DEFENDANT :-

i). The suit filed by the plaintiffs is not maintainable in law and is liable to be dismissed. The suit property in Survey No. 140/2 belongs to several persons. The property described as Item No. 4 in the suit schedule pertains to Survey No. 140/2, measuring 0.240 acres (0.60 cents), situated in Saruttal Village, Cheyyar Taluk.

ii). It is stated that the said land was originally purchased by Moorthy, the vendor of the 3rd defendant, on 07.12.2011 from Ragala Gounder and S.P. Subramaniam under Document No. 3704/2011, wherein the east–west and north–south boundaries were clearly specified, and that he was in possession and enjoyment of the property. It is further stated that the said Moorthy had purchased other properties in addition to the disputed property (Item No. 4) and subsequently sold all the properties, including Item No.4, to the 3rd defendant on 19.07.2012 under Document No. 2320/2012.

iii). It is also stated that the said sale deed specifically provides for the transfer of patta in respect of Survey No. 140/2 (Item No. 4) in favour of the 3rd defendant. Since a joint patta under Patta No. 470 had been issued in respect of the said survey number in favour of several individuals, it became necessary to subdivide the land and issue a separate patta in the name of the

3rd defendant after his purchase of Item No. 4 of the suit property.

iv). Accordingly, the 1st defendant, upon receipt of proper documents and an application from the 3rd defendant, issued a separate patta and carried out the subdivision in favour of the 3rd defendant after issuing notice to the plaintiffs. The land belonging to the 3rd defendant was assigned separate Patta No. 357, and the property described in Item No. 4 of the suit was assigned Sub-Division No. 140/2A.

v). It is further contended that the plaintiffs have no right, title, or interest whatsoever in the property described in Item No. 4 of the suit, which was lawfully purchased by the 3rd defendant. Just as the 3rd defendant purchased Item No.4, plaintiffs 1 and 2 had also purchased lands from other owners in the same survey number during the years 2006 and 2007. However, despite having purchased the lands much earlier and despite being entitled to seek transfer of patta in their names on the strength of their sale deeds, plaintiffs 1 and 2 failed to do so.

vi). It is alleged that, with the intention of unlawfully laying claim to the property described in Item No. 4 of the suit, the plaintiffs are harassing the 3rd defendant. It is further alleged that when the 3rd defendant applied for transfer of patta in his name, the plaintiffs deliberately raised false objections by stating that the suit property had not been partitioned.

vii). It is also stated that even though the 3rd plaintiff had already sold his property to plaintiffs 1 and 2, he has nevertheless been impleaded as a party to the present suit. It is further stated that the plaintiffs are cultivating the properties described as Items 1 to 3 of the suit schedule, and therefore the

allegation that the 3rd defendant is obstructing the plaintiffs from cultivating the land is false and untenable.

viii). It is further stated in the counter-statement that a registered lease deed had been executed in favour of one Srinivasan in respect of Items 1 to 3 of the suit property for the purpose of quarrying and extraction of minerals, granite, and rocks, and that the 3rd defendant has not caused any obstruction to the properties belonging to the plaintiffs. It is also stated that plaintiffs 1 and 2 are husband and wife, that the 1st plaintiff was operating a stone quarry in Survey Nos. 428/1, 428/2, 428/3, and 429/4 of Makaral Village, Kanchipuram Taluk, and that a lease deed in respect of the said survey lands was executed in favour of the said Srinivasan on 08.08.2009 for a period of five years.

ix). It is further stated that the said Srinivasan filed a suit against the 3rd defendant in O.S. No. 5 of 2013 on the file of the Principal District Munsif Court, Kanchipuram. The 3rd defendant contends that the plaintiffs have intentionally filed the present suit with mala fide intentions, that the cause of action stated in the plaint is incorrect, and that the suit is barred under Section 14 of the Tamil Nadu Patta Passbook Act, 1983. Therefore, the suit filed by the plaintiffs is liable to be dismissed.

5. ISSUES FRAMED BY THE TRIAL COURT:-

1. Whether the plaintiffs are entitled to the relief permanent injunction and mandatory injunction as prayed for ?
2. Whether the plaintiffs are entitled to the relief of mandatory injunction directing cancellation of the patta dated 27.12.2012 is sued by the 1st defendant in favour of the 3rd defendant?

3. Whether the plaintiffs are entitled to the relief of mandatory injunction directing the 1st defendant to subdivide the disputed properties and issue fresh pattas in favour of the plaintiffs?
4. What relief the plaintiffs is entitled to?

6. TRIAL AND FINDINGS OF THE TRIAL COURT:-

The suit filed by the plaintiffs is partly allowed. In respect of the suit properties, a permanent injunction, as prayed for by the plaintiffs, is granted against the 3rd defendant in respect of suit items 1, 2, 3, and 5. However, the mandatory injunctions sought by the plaintiffs against the 1st defendant are dismissed.

7. GROUNDS OF APPEAL :-

i). Appellants 1 and 2 purchased the disputed properties in the years 2006 and 2007, whereas the 3rd respondent purchased his property only in 2012. Despite the appellants' prior purchase, pattas were not issued in their favour, while a patta was wrongly issued to the 3rd respondent, leading to the filing of the suit for cancellation and proper issuance of pattas.

ii). The 1st respondent issued pattas in favour of the 3rd respondent without conducting a proper field survey or enquiry and without hearing the appellants, even though the appellants had submitted applications for patta transfer. The lower court failed to consider this procedural illegality.

iii). The 3rd defendant, in his cross-examination, admitted that Survey No.140/2 was originally under joint patta, that the appellants had also purchased lands in the same survey number, and that he purchased his land

only in 2012. These vital admissions were not considered by the lower court.

iv). The Advocate Commissioner and surveyor reported that the disputed properties could not be accurately identified or measured due to the absence of boundary stones, presence of trees and rocks, and uneven terrain, yet the patta was issued to the 3rd respondent. The lower court failed to consider this material evidence.

v). The Advocate Commissioner's report and plan, marked as Ex-C1 and Ex-C2, clearly showed that proper subdivision was not possible without clearing the land and boundaries. The lower court erred in dismissing the suit without considering these crucial exhibits.

vi). The judgment and decree of the lower court are contrary to law and evidence, as the suit was dismissed without proper appreciation of the plaintiffs' oral and documentary evidence and by wrongly accepting the defendants' case.

8. POINTS FOR CONSIDERATION:-

1. Whether the appellant/plaintiff is entitled to the relief of a permanent and mandatory injunction as prayed for?
2. Whether the decree and judgment of the Trial Court in O.S.No.10/2013 are to be set aside by way of appeal?

9. ANSWER TO POINT 1

APPELLANT'S SIDE ARGUMENT :-

i). The learned counsel for the appellants respectfully submits that the appellants 1 and 2 purchased the disputed properties in the years 2006 and 2007 respectively, whereas the 3rd respondent purchased his property only in the year 2012. Despite the appellants having prior purchase and possession over the properties, pattas were not issued in their favour. On the contrary, a patta was erroneously issued in favour of the 3rd respondent, which compelled the appellants to file the present suit seeking cancellation of the said patta and issuance of proper pattas in their favour.

ii). It is further submitted that the 1st respondent issued patta in favour of the 3rd respondent without conducting any proper field survey or enquiry and without affording an opportunity of hearing to the appellants, even though the appellants had submitted applications seeking transfer of patta in their names. The learned trial court failed to take note of this serious procedural irregularity and illegality committed by the authorities.

iii). The learned counsel also submits that the 3rd defendant, during his cross-examination, categorically admitted that Survey No.140/2 was originally under a joint patta and that the appellants had also purchased lands in the very same survey number. He further admitted that his purchase was made only in the year 2012. These vital admissions clearly support the appellants' case; however, the learned trial court failed to consider these crucial admissions while deciding the matter.

iv). It is further submitted that the Advocate Commissioner along with the surveyor inspected the property and reported that the disputed properties could not be properly identified or measured due to the absence of boundary stones, presence of trees and rocks, and uneven terrain. In spite of these findings, patta was issued in favour of the 3rd respondent. The learned trial court failed to properly appreciate this material evidence placed on record.

v). The Advocate Commissioner's report and plan marked as Ex-C1 and Ex-C2 clearly indicate that proper subdivision and identification of the properties would not be possible without clearing the land and fixing proper boundaries. The learned trial court committed a grave error in dismissing the suit without giving due consideration to these crucial exhibits.

vi). Therefore, it is submitted that the judgment and decree passed by the learned trial court are contrary to law, facts, and evidence on record. The learned trial court dismissed the suit without properly appreciating the oral and documentary evidence adduced by the appellants and by erroneously accepting the case of the respondents.

10. ARGUMENTS OF THE RESPONDENTS :-

The defendants were set Ex- party,

11. THE CASE OF THE PLAINTIFFS :-

i). The plaintiffs filed the suit stating that the suit property situated at Karuttal Village in Survey No.140/2, Patta No.470, measuring a total extent of 1.27.5 ares (3.19 acres), originally belonged to several vendors from whom the plaintiffs purchased different extents through registered sale deeds

between the years 2006 and 2012. According to the plaintiffs, they have been in peaceful possession and enjoyment of their respective portions from the date of purchase.

ii). It is the further case of the plaintiffs that the 3rd defendant, in collusion with the 1st defendant, created false boundary demarcations and fraudulently obtained a joint patta and computer-generated revenue records without conducting proper survey, enquiry, or issuing notice to the plaintiffs. Though the plaintiffs' names were included in the joint patta, the specific extents purchased by them were not properly reflected.

iii). The plaintiffs further contended that they had submitted several petitions to the revenue authorities requesting measurement and proper subdivision of the property, but no action was taken by the authorities. Apprehending that the 3rd defendant might alienate the suit property based on the patta obtained by him, the plaintiffs sought the appointment of an Advocate Commissioner to inspect and measure the property.

iv). Therefore, the plaintiffs filed the suit seeking a decree of **permanent injunction** restraining the 3rd defendant from interfering with their peaceful possession and enjoyment of the suit property, and also for **mandatory injunction** to cancel the patta issued in favour of the 3rd defendant, to properly subdivide the property, and to issue fresh pattas in favour of the plaintiffs,

v). The plaintiffs side marked Ex-A1 to Ex-A16 documents and P.W.1 to P.W.4 witnesses in support of their case. The plaintiffs' exhibits include certified copies of sale deeds dated 18.01.2006 obtained by Vijayalakshmi Kriyam, 24.10.2007 and 22.10.2007 obtained by G. Devarajan Kriyam, and another certified copy of the sale deed standing in the name of Ramachandran. A copy of the sale deed dated 19.07.2012 in the names of the 1st and 2nd plaintiffs was also filed. Further, copies of petitions sent to the 1st and 2nd plaintiffs, the defendant, and the Village Administrative Officer dated 24.12.2012 and 03.08.2013 were produced along with several postal acknowledgment cards dated 11.08.2012, 22.08.2012, 06.08.2012, 10.09.2012, and 11.09.2012. The plaintiffs also filed copies of patta and chitta records dated 27.12.2012 and 03.01.2013. On the side of the defendant, documents marked include a copy of the lease deed in the name of Murthy dated 07.12.2011 and a certified copy of the lease agreement between the plaintiffs and Srinivasan dated 17.07.2012. The witnesses examined on the side of the plaintiffs are G. Devarajan (PW1), M. Devaraj (PW2), Jayavel, Zonal Deputy Tahsildar, Vembakkam (PW3), and Balakrishnan, Circle Inspector, Vembakkam (PW4). On the side of the defendant, Ramachandran (3rd defendant) was examined as DW1. The Court documents include the Court Commissioner's Report and the Court Commissioner's plan dated 28.02.2017.

vi). The admitted facts of the case are as follows: The second plaintiff purchased an extent of 1 acre and 11 cents of land comprised in Survey No. 140/2, Patta No. 470, situated within the jurisdiction of the Dusi Sub-Registrar Office, Thiruvannamalai District, by a registered sale deed dated 18.01.2006 from Velu Gounder, S.V. Punniyakodi, Ponnusamy, S.P. Varadhan, Muruga Gounder, and Pachaiyammal, wife of Arulraj, who are residents of the

said village. Thereafter, the plaintiff purchased a further extent of 2 acres and 8 cents of the suit property in the same survey number by a registered sale deed dated 22.10.2007 from Thangaraj, son of Arumuga Mudaliar, and has been in possession and enjoyment of the same. Subsequently, on 29.10.2007, the third respondent, Kanniyappa, purchased an extent of 15 cents of land from Kumara Gunasekaran and also purchased the remaining extent of 1 acre and 16 cents of land in the same survey number. Further, on 19.07.2012, the third respondent, Kannaya Naidu, son of Kumarar, purchased an extent of 60 cents of land from K. Moorthy by a registered sale deed,

vii). Though all the respondents had filed their statements and contested the matter before the trial court, none of the respondents in the present appeal have appeared before this Court despite service of notice. In such circumstances, this Court is nevertheless bound to examine the nature of the dispute, the pleadings of the parties, and the evidence available on record in order to render a decision in accordance with law. Upon perusal of the appeal memorandum, the pleadings, and the documentary as well as oral evidence adduced before the trial court, this Court proceeds to consider whether the relief of permanent injunction sought by the appellants against the third respondent is legally sustainable. It is an admitted fact on either side that the appellants had purchased certain extents of land comprised in Survey No.140/2, situated within the jurisdiction of the Sub-Registrar Office, Cheyyar Taluk, Tiruvannamalai District, under registered sale deeds dated 18.01.2006, 22.10.2007 and 29.10.2007. (Ex-A1 to Ex-A3) Likewise, the third respondent has also purchased an extent of 60 cents of land in the very same survey number by virtue of a registered sale deed marked as Ex-B1. The materials placed on record further disclose that the joint patta produced by

the appellants themselves and marked as Exhibit A15 contains the name of the third respondent as one of the joint pattadars along with the appellants. Thus, it is evident that the third respondent has acquired title to the said extent of property through a validly registered sale deed and that his name has also been reflected in the joint revenue records

viii). On a careful consideration of the pleadings and materials available on record, it is evident that the third respondent has purchased an extent of land in the suit survey number through a validly registered sale deed and his name is also reflected in the joint patta produced by the appellants themselves. Therefore, the third respondent becomes a co-owner or co-sharer in respect of the suit property. It is a settled principle of law that one co-owner cannot seek a decree of permanent injunction restraining another co-owner from entering or enjoying the joint property unless there is clear proof of ouster or exclusive possession. The Hon'ble Supreme Court in *Mohd. Baqar v. Naim-un-Nisa Bibi* has held that possession of one co-owner is, in the eye of law, possession of all co-owners. Similarly, in *Sri Ram Pasricha v. Jagannath*, it has been held that every co-owner owns every part of the joint property along with the others and is entitled to enjoy the same until partition. The Hon'ble Madras High Court has also consistently followed the same principle and held that injunction cannot be granted against a co-sharer unless ouster is proved, as laid down in *P. Lakshmi Reddy v. L. Lakshmi Reddy* and *R. Chandrasekaran v. V. Ramasamy*. Therefore, when the third respondent has established his purchase through a registered document and his name is reflected as a joint pattadar, he cannot be restrained from using or enjoying the property. With regard to the relief of permanent injunction, it is a well-settled principle of law that such relief can be granted only when the

identity of the suit property is clear, definite, and capable of being identified on the ground. The plaintiff must clearly state the survey number, exact extent, measurements, and four boundaries of the suit property so that the Court can ascertain the exact property in respect of which protection is sought.

ix). In the present case, though the plaintiff has mentioned Survey No.140/2 and has stated the approximate extent, the exact measurements and clear four boundaries have not been properly specified in the plaint schedule. When the property is not clearly identifiable, the Court cannot grant the relief of permanent injunction because such a decree would become vague, unworkable, and incapable of execution.

x). Further, it has also been brought on record that the third defendant has purchased an extent of 60 cents in the same survey number. The Court Commissioner's report also indicates that there are several physical obstructions in the property and that the land could not be properly measured at the time of inspection. When the property cannot be measured and the boundaries are uncertain, granting an injunction would create further confusion and may result in multiplicity of litigation.

xi). In this regard, the Hon'ble Supreme Court in *Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs & Others* has clearly laid down the principles governing suits for injunction. The Supreme Court held that a suit for bare injunction is maintainable only when the plaintiff is in lawful possession of a clearly identifiable property. It was further held that when the identity or title of the property is in dispute, the proper remedy is to seek declaration of title along with consequential relief of injunction.

xii). Similarly, in *Premji Ratansey Shah v. Union of India*, the Hon'ble Supreme Court held that injunction is an equitable relief and cannot be granted in favour of a person who fails to establish lawful possession over a definite and identifiable property. The Court also observed that a decree for injunction should not be granted where the property itself is uncertain or incapable of clear identification.

xiii). Further, in *Jharkhand State Housing Board v. Didar Singh*, the Hon'ble Supreme Court reiterated that the plaintiff must prove lawful possession over the specific and identifiable property on the date of the suit, failing which the relief of permanent injunction cannot be granted.

xiv). Applying the above legal principles to the facts of the present case, it is evident that the plaintiff has not clearly established the exact identity and boundaries of the suit property. The Commissioner's report itself reveals that the property could not be measured due to obstructions, and part of the land in the same survey number has been purchased by the third defendant. Therefore, the identity of the suit property remains uncertain and disputed.

xv). Hence, in the absence of clear four boundaries, exact measurements, and definite identification of the property, this Court is of the considered view that the plaintiff is not entitled to the relief of permanent injunction as prayed for. In such circumstances, the decree of permanent injunction granted by the trial court against the third respondent is legally unsustainable and liable to be set aside.

xvi). Whereas, In the present case, the appellants have sought a relief of mandatory injunction directing respondents 1, 2 and 4, who are officials of the

Revenue Department, to cancel the patta dated 27.12.2012 and to issue a fresh patta in favour of the plaintiffs. At this stage, it is necessary to refer to Section 14 of the Tamil Nadu Patta Pass Book Act, 1983, which provides that the entries in the patta passbook are subject to the orders of the competent authorities under the Act and that disputes relating to such entries are to be resolved by the revenue authorities in the manner prescribed under the statute. The Act also provides for a hierarchy of remedies by way of appeal and revision before higher revenue authorities. Therefore, if any person is aggrieved by the issuance of patta or by the entries made therein, the proper course open to such person is to approach the jurisdictional Tahsildar and thereafter pursue the statutory remedies before the Revenue Divisional Officer and the District Collector. In the present case, the appellants have directly approached the Civil Court without exhausting the statutory remedies available before the revenue authorities, which is not permissible in law.

xvii). It is also a well-settled principle that revenue records such as patta or mutation entries do not confer title and are maintained only for fiscal purposes. The Hon'ble Supreme Court in *Suraj Bhan v. Financial Commissioner* held that entries in revenue records are not documents of title and they do not confer ownership rights on any person. Similarly, in *Balwant Singh v. Daulat Singh*, the Supreme Court held that mutation of property in revenue records neither creates nor extinguishes title and it is only meant for the purpose of collection of land revenue. So it was held that mutation entries in revenue records are only for fiscal purposes and do not decide the ownership or title to the property.

xviii). Further, the Hon'ble Madras High Court has consistently held that Civil Courts cannot issue directions to the revenue authorities for cancellation or alteration of patta entries when the statute provides a specific mechanism for redressal. When a special statute provides a complete procedure for correction or cancellation of patta, the aggrieved party must necessarily approach the competent authority under the statute.

xix). In the present case, the third respondent has purchased the property through a validly registered sale deed, which has been marked as Ex-B1. The joint patta produced by the appellants themselves and marked as Ex-A15 also contains the name of the third respondent as one of the pattadars. In such circumstances, it would not be appropriate for the Civil Court to issue a direction for cancellation of the patta granted in favour of the third respondent. Even assuming that there are any irregularities in the issuance of patta, the same can be examined only by the competent revenue authorities in accordance with the procedure prescribed under the statute. Therefore, the relief of mandatory injunction sought by the appellants against respondents 1, 2 and 4 is not maintainable before the Civil Court. Accordingly, this Court holds that the Civil Court has no jurisdiction to grant the relief sought for cancellation or modification of patta and the appellants are at liberty to approach the competent revenue authorities for appropriate relief in accordance with law. Hence, this point is answered against the appellants,

xx). Therefore, this Court holds that the trial court was not correct in granting a decree of permanent injunction against the third respondent. Accordingly, the decree of permanent injunction granted against the third respondent is liable to be set aside. Further, the relief of mandatory

injunction sought by the appellants is not maintainable and cannot be granted in favour of the appellants. Hence, the relief of mandatory injunction sought by the appellants is rejected. Accordingly, this point is answered against the appellants.

12. ANSWER TO POINTS 2 :-

i). Upon considering the submissions made on the side of the appellants and the materials available on record, it is seen that the third respondent, Kannaya Naidu, son of K. Moorthy, claims to have purchased an extent of 60 cents of land through a registered sale deed bearing Document No.2320/2012 on the file of the Dusi Sub-Registrar Office. The appellants, however, contend that the third respondent is in actual possession of only 56 cents of land and that the grant of patta for the entire extent is therefore improper. In this regard, the appellants have filed the present suit against the Tahsildar, the Revenue Divisional Officer, the District Collector and the third respondent. The trial court, on appreciation of the evidence available on record, held that the third respondent had purchased 60 cents of land under a valid registered sale deed and that the said transaction was supported by documentary evidence. The joint patta produced by the plaintiffs and marked as Exhibit A-15 also contains the name of the third respondent as one of the joint pattadars.

ii). In such circumstances, the trial court concluded that the third respondent has a lawful interest in the property. It was further held that, insofar as the relief sought against the revenue authorities is concerned, Section 14 of the Tamil Nadu Patta Pass Book Act bars the jurisdiction of the Civil Court to order corrections, deletions or alterations in the patta pass book.

Therefore, the trial court dismissed the reliefs sought against the revenue authorities. Consequently, the permanent injunction granted against the third respondent was found unsustainable and liable to be set aside, while the dismissal of the reliefs sought against the first, second and fourth respondents was held to be proper and in accordance with law.

iii). Therefore, the decree of permanent injunction granted by the trial court against the third respondent is hereby set aside. Consequently, the relief of mandatory injunction sought by the appellants against respondents 1, 2 and 4 is also dismissed by this Court. Accordingly, the findings of the trial court in respect of the third respondent are interfered with and set aside, while the dismissal of the relief sought against respondents 1, 2 and 4 is confirmed.

In the result,

The appeal is dismissed, and the judgment and decree passed by the Trial Court in O.S.No.10 of 2013, dated 28.02.2017 are hereby set aside.

There shall be no order as to costs.

The judgment was typed by me on my laptop, corrected, and then pronounced in open court on this the 5th day of March-2026.

**Principal Subordinate Judge,
Cheyyar.**

