IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	06.07.2026
Pronounced on	31.08.2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP Nos. 34048 & 38692 of 2024 & 47016 of 2025
36863, 36864, 41880, 41881, 41882 of 2024,
52527, 52530 & 52531 of 2025

WP.No.34048 of 2024

M/s.Gestione Consulting India Private Limited
Formerly Rangaswamy Naidu Orchards Pvt Ltd,
Rep By Its Director, A.P.Ramachndran
New No.8, Old No.34, Dhamu Nagar,
Coimbatore- 641 045.

..Petitioner(s)

Vs

1. Union Of India
   Rep By Its Ministry Of Defence
   Defence Estate Office, Madras Circle,
   306 Anna Salai, Teynampet, Chennai.

2. The District Collector
   Coimbatore District, Collectorate Office,
   State Bank Road, Gopalapuram,
   Coimbatore- 641 018.

3. Revenue Divisional Officer
   Coimbatore South, State Bank Road,
   Gopalapuram, Coimbatore- 641 018.

4. The Sub Registrar,
   Madukarai, Coimbatore.

   (r4-suo Motu Impleaded As Per Order Dated
   12.12.2024 In Wp.34048/2024 By Ptaj)

5. Siddarth,
   S/o.Sathyanarayana, No.273, G.V.Residency,
   Sowripalayam, Coimbatore.641 028.
   (r5-impleaded As Per Order Dated 13.03.2025
   In Wmp.41983/2024 In Wp.34048/2024)

6. The Executive Engineer,
   Operation And Maintenance,
   Distribution Circle, South,
   Tamil Nadu Power Distribution Corporation
   Ltd, Coimbatore. 641 008.
   (r6-impleaded As Per Order Dated 13.03.2025
   In Wmp.5059/2025)

7. E.Sathyanarayana, S/o.Ethirajalu Naidu

8. S.Shilpa, D/o.Sathyanarayana
   R7 & 8 residing at
   New No.19, Old.No.94, AB Block, 1st Street,
   Anna Nagar, Chennai 600 040

   [r7 & 8 impleaded as per order dated
   31.08.2026 passed in WMP.NO.7793 of 2026]

..Respondent(s)

WP No. 38692 of 2024

Aged Home Trust
Rep. By Its Manager
K.M.Venkatachalam,
No.1-A/5, Srinivasa Nagar,
Podanur, Coimbatore-641 023.

..Petitioner(s)

Vs

1. Commissioner Of Land Administration
   Ezhilagam, Chepauk, Chennai-600 005.

2. District Revenue Officer,
   Coimbatore-641 018.

3. Revenue Divisional Officer,
   Coimbatore South, Coimbatore-6411 018.

4. Tahsildar
   Office Of The Tahsildar,
   Madukarai Taluk,
   (previously Coimbatore South Taluk)
   Coimbatore641 105.

5. District Collector
   Coimbatore-641 018.

6. Union Of India
   Rep. By Ministry Of Defence,
   Defence Estate Officer, Madras Circle,
   306, Anna Salai, Teynampet,
   Chennai-600 018.

7. The Executive Engineer,
   Operation And Maintenance,
   Distribution Circle, South,
   Tamil Nadu Power Distribution
   Corporation Ltd, Coimbatore. 641 008.

   (r7-impleaded As Per Order Dated 13.03.2025
   In Wmp.5060/2025 In Wp.38692/2024)

..Respondent(s)

WP No. 47016 of 2025

M/s.Tarun Residency Welfare Association (reg)
Rep. By Its President
Devaraj S/o.Seerangan,
Site No.294, Tarun Residency,
Eachanari (po), Coimbatore-641 021.

..Petitioner(s)

Vs

1. Union Of India
   Rep. By Its Ministry Of Defence,
   Defence Estate Office, Madras Circle
   306, Anna Salai, Teynampet,
   Chennai-600 018.

2. Commissioner Of Land Administration,
   Ezhilagam, Chepauk, Chennai-600 005.

3. The District Collector
   Coimbatore District, Collectorate Office,
   State Bank Road, Gopalapuram,
   Coimbatore-641 018.

4. District Revenue Officer
   Coimbatore District, Coimbatore-641 018.

5. Revenue Divisional Officer,
   Coimbatore South, Coimbatore 641 018

6. Tahsildar
   Office Of The Tahsildar,
   Madukarai Taluk,
   (previously Coimbatore South Taluk)
   Coimbatore-641 105.

7. Sub Registrar
   Madukarai, Coimbatore.

8. The Executive Enginer
   Operation And Maintenance,
   Distribution Circle South,
   Tamil Nadu Power Distribution Corporation
   Ltd., Coimbatore-641 008.

..Respondent(s)

Common Prayer:

Writ petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari,

to call for the records of the proceedings No. Ref. No. 5519/ 2024 / B2 dated 17.10.2024 on the file of the 3rd respondent and quash the same as illegal and without jurisdiction

Calling for the records of the 3rd respondent dated 17.10.2024 bearing reference No.5519/2024/B2 and quash the same and consequently direct the 2nd respondent to issue patta in favour of the petitioner for the lands in S.No.603/1B, 603/3B1 and 603/3A1 altogether admeasuring an extent of 13.27

Acres in Kurichi Village, Coimbatore South Taluk, Coimbatore District, with a further direction to the respondents 1-5 to mutate all revenue records in favour of the petitioner

Calling for the records of the 4th respondent dated 17.10.2024 bearing reference No.5519/2024/B2 and quash the same and consequently direct the 3rd respondent to issue patta in favour of the Members of petitioner Association for the lands situated within S.No.603/5, 603/3B and 603/A, 604/3, 604/4A, 605/1A, 606/1B and 606/4 in Kurichi Village, Coimbatore south Taluk, Coimbatore District

For Petitioner(s):	Mr.Sharath Chandran in WP.No.34048 of 2024 Mr.Sathish Parasaran, Sr. counsel for Mr.Rahul Balaji in WP.No.38692 of 2024 Mr.P.Premkumar in WP.No.47016 of 2025
For Respondent(s):	Mr.AR.L.Sundaresan, Additional Solicitor General, Asst. by Mr.J.Madhanagopal Rao, SPC for R1 in WP.No.34048 & R6 in 38692 of 2024 Mr.T.Gowthaman, Additional Advocate General, Asst. by Mr.B.Pachaiyappan, Govt. counsel, for R2 & 3 in WP.No.34048 of 2024 for R2 to 6 in WP.No.47016 of 2025 for R2 to 5 in WP.No.38692 of 2024 Mr.Vijay Narayan, Advocate General, Asst.by Mr.D.R.Arunkumar, St.counsel for R6 in WP.No.34048 of 2024 & for R8 in WP.No.47016 of 2025 for R7 in WP.no.38692 of 2024 Mr.Abdul Saleem, Sr.counsel, for Mr.C.Tirumaran, for R5 in WP.No.34048 of 2024

Mr.P.T.Ramkumar, CGC
for R1 in WP.No.47016 of 2025

Mr.Dominic S.David, Govt. counsel
for R4 in WP.No.34048 of 2024
for R7 in WP.No.47016 of 2025

Common Order

The challenge involved in all these writ petitions is with regard to the impugned proceedings dated 17.10.2024 issued by the Revenue Divisional Officer.

2. Out of these 3 writ petitions, this Court hereinafter refer the status of the parties as mentioned in the W.P.No.34048 of 2024.

3. Brief facts of the cases are as follows:

3.1 Initially, at the instance of 1st respondent, in the year 1929, the then Government (now called as Government of Tamil Nadu) had acquired the land to the total extent of 245.05 Acres, under the Land Acquisition Act, 1894. Out of the aforesaid extent, 191.66 Acres of lands are patta land and the remaining 53.39 Acres of lands are Poromboke land, which belongs to the Government of Tamil Nadu. Subsequent to the said acquisition, those lands were transferred, by the Government of Tamil Nadu, to the 1st respondent after collecting the land value for the acquired patta land as well as Poromboke land.

3.2 As per the extract of Military Land Register, Madras Circle, the value of land acquired, to an extent of 245.05 Acres, in the year 1929 was mentioned as a sum of Rs.16,557/-. Thereafter, the entire extent of 245.05 Acres of land, i.e., an extent of 122.98 Acres of lands from Malumichampatti Village and remaining extent of 122.07 Acres of lands from Kurichi Village, were owned and possessed by the Ministry of Defence, Government of India, classified as Rifle Range at Podanur in the erstwhile Coimbatore Taluk, Coimbatore District.

3.3 Later, in the year 1952, the aforesaid lands were treated and declared as "surplus lands" to Army requirements and the 1st respondent, vide letter dated 27.05.1952, awarded sanction for outright sale of the said lands through public auction. Subsequently, the auction news was published in Tamil Daily newspaper "Swadesamithran" on 03.07.1952 and the auction notice was issued on 05.07.1952. Thereafter, the 245.05 Acres of lands were divided into three lots and it was sold through public auction, which was conducted on 25.07.1952.

3.4 In the said auction, the said three lots were sold to three successful bidders, i.e., (i) an extent of 36.47 Acres of lands were sold to M/s.Asbestos Cement Limited vide sale deed dated 02.02.1953 and the same was registered on 26.03.1953 as Document No.893/1953; (ii) an extent of 122.98 Acres of lands were sold to Mr.A.R.Govindarajalu vide sale deed dated 02.02.1953 and the same was registered on 30.03.1953 as Document No.597/1953; (iii) an extent of 85.60 Acres of lands were sold to one R.Ethirajulu Naidu vide sale deed dated 02.02.1953 and the same was registered on 24.03.1953 as Document No.885/1953. All these transactions were updated to the extract of Military Land Register.

3.5 Subsequent to the sale of lands, the Military Estate Officer, Madras Circle, had sent a letter dated 20.01.1953 to the Collector of Coimbatore, in regard to the said sale of 245.05 Acres of land and seeks for necessary changes in the revenue records.

3.6 In the year 1958, the aforesaid Mr.Ethirajalu Naidu had executed an exchange deed dated 30.11.1958, to transfer an extent of 47.11 Acres of land from and out of 85.6 Acres of land, to and in favour of his brother-R.Krishnaswamy Naidu. Thereafter, the said Krishnaswamy Naidu had retained an extent of 1.43 Acres and sold an extent of 45.68 Acres of land in favour of Rangaswamy Naidu Orchards Private Limited (later merged with petitioner in WP.No.34048 of 2024) vide sale deed dated 20.02.1959. Subsequently, the petitioner in WP.No.34048 of 2024 had retained 33.84 Acres of land and sold an extent of 13.27 Acres of land to an Old Age Home in Coimbatore, namely Aged Home Trust (petitioner in W.P.No.38692 of 2024) vide sale deed date 16.02.1981.

3.7 In the meantime, the patta, pertaining to the extent of 33.84 Acres of land, was issued in favour of the petitioner in WP.No.34048 of 2024 after a long-drawn verification process. Initially, the Tahsildhar, Coimbatore (South), vide letter dated 05.03.2004 & 06.08.2004, had sought for the opinion from the Station Commander, Redfields, Coimbatore, with regard to the genuineness of the auction sale, which occurred on 25.07.1952. In reply, the Station Commander had vouched for the genuineness of the same vide letter dated 20.08.2004. Thereafter, the 1st respondent, vide proceedings dated 05.06.2008, had also intimated the petitioner about the genuineness of transaction, which was taken place about 5 decades ago. Based on all these documents, the Tahsildar, Coimbatore South, had finally granted patta to the rightful owners of the properties in the year 2009.

3.8 After obtaining patta, the petitioner in WP.No.34048 of 2024 had obtained LPA and DTCP approvals for conversion of 33.84 Acres of lands into 318 house sites, out of which, various sites were sold from the year 2011 and as on date, only 10 vacant sites exist. The purchasers of the plots, i.e., plot owners, formed an Association, namely M/s.Tarun Residency Welfare Association (petitioner in WP.No.47016 of 2025).

3.9 Under these circumstances, one Sathyanarayana, S/o.Ethirajalu Naidu, who initially acquired the subject land vide public auction, had filed a suit in OS.No.827 of 2004, against the rejection of request for issuance of patta, pertaining to a portion of subject property. However, the said suit was dismissed vide judgement and decree dated 29.09.2011 for non-production of evidences. Aggrieved over the same, AS.No.113 of 2012 was filed and the same was also dismissed vide judgement and decree dated 28.01.2015, against which SA.No.208 of 2016 was filed. However, the said second appeal was also dismissed vide judgement and decree dated 24.09.2019.

3.10 By citing the dismissal of the above suits, now, the patta, pertaining to the subject property, was cancelled by the RDO vide the impugned order dated 17.10.2024, due to which, the petitioners' right over the subject property was affected. Hence, these petitions were filed against the said impugned order issued by the Revenue Divisional Officer (RDO).

4. The submissions made on behalf of the Petitioners:

4.1 Mr.Sathish Parasaran, learned Senior counsel, appearing on behalf of the petitioners would submit that in these cases, the subject lands were purchased by virtue of a public auction, whereby one Ethirajalu Naidu was declared as successful bidder and accordingly, the sale deed, pertaining to an extent of 85.60 Acres of land, was executed on 02.02.1953 and registered on 24.03.1953 vide Doc.No.885/1953.

4.2 Thereafter, the said Ethirajalu Naidu had executed a Partition/Exchange deed dated 30.11.1958, to and in favour of his brother-Krishnaswamy Naidu, for an extent of 47.11 Acres and retained the remaining extent of 38.49 Acres of land. Subsequently, the said Krishnaswamy Naidu had retained an extent of 1.43 Acres and sold an extent of 45.68 Acres of land in favour of Rangaswamy Naidu Orchards Private Limited (later merged with the petitioner in WP.No.34048 of 2024) vide sale deed dated 20.02.1959. Thereafter, they had retained 33.84 Acres of land and sold an extent of 13.27 Acres of land to an Old Age Home in Coimbatore, namely Aged Home Trust (petitioner in W.P.No.38692 of 2024) vide sale deed date 16.02.1981.

4.3 The retained portion of 33.84 Acres were converted into 318 house sites, for which, the petitioner in WP.No.34048 of 2024 had obtained LPA and DTCP approvals. Out of the total 318 house sites, various sites were sold from the year 2011 and as on date, only 10 vacant sites exist. The purchasers of the plots, i.e., plot owners, formed an Association, namely M/s.Tarun Residency Welfare Association (petitioner in WP.No.47016 of 2025).

4.4 Prior to the obtaining of LPA and DTCP approvals, the patta, pertaining to the extent of 33.84 Acres of land, was issued after a long-drawn verification process. Initially, the Tahsildhar, Coimbatore (South), vide letter dated 05.03.2004 & 06.08.2004, had sought for the opinion from the Station Commander, Redfields, Coimbatore, with regard to the genuineness of the auction sale, which occurred on 25.07.1952. In reply, the Station Commander had vouched for the genuineness of the same vide letter dated 20.08.2004. Thereafter, the 1st respondent, vide proceedings dated 05.06.2008, had also intimated the petitioner about the genuineness of transaction, which was taken place about 5 decades ago. Based on all these documents, the Tahsildar, Coimbatore South, had finally granted patta to the rightful owners of the properties in the year 2009.

4.5 On the other hand, on the strength of sale deed dated 02.02.1953 executed by the 1st respondent, a patta application was filed by Ethirajalu Naidu, who acquired the subject property by way of public auction. However, the same was rejected by the Revenue Authorities. Against the said rejection order, OS.No.827 of 2004 was filed by one Sathyanarayana, the legal heir of Ethirajalu Naidu, was dismissed vide judgement and decree dated 29.09.2011 for non-production of relevant evidences. Further, in the said suit, it has been stated that in the copy of the sale deed, which were said to have executed in favour of the plaintiff's father, it has been referred as "Indenture", i.e., it is not a sale deed but an agreement for sale. Therefore, it has been held that no such sale had taken place and thus, no patta can be issued. Subsequently, the said order was confirmed vide judgements and decree dated 28.01.2015 & 24.09.2019 passed in AS.No.113 of 2012 and SA.No.208 of 2016 respectively. By citing the dismissal order passed in the aforesaid suit, now, the impugned order dated 17.10.2024 was passed, pertaining to the entire extent of 85.60 Acres.

4.6 Further, he would contend that since the petitioners herein were not impleaded as parties in the aforesaid suits, the judgement and decree passed in those suits will not bind the petitioners in terms of Section 34 & 35 of the Specific Relief Act.

4.7 That apart, in these cases, the subject property was originally sold by the 1st respondent. In such case, no doubt, the 1st respondent is the rightful person to depose before the Court with regard to the sale of property by way of public auction, however, they were also not impleaded as parties in the said suits. Thus, it is clear that without hearing the necessary parties, the judgement and decree came to be passed in OS.No.827 of 2004 and the same was further confirmed vide the judgement and decree passed in AS.No.113 of 2012 and SA.No.208 of 2016.

4.8 If a sale was duly confirmed by the seller, the same cannot be denied. In such view of the matter, in the counter filed by the 1st respondent, who is none other than the vendor of the subject property, it has been categorically mentioned that the sale deed, pertaining to the extent of 85.60 Acres of land, was executed in favour of Ethirajalu Naidu. Even in the sale deed, it has been stated that the title was handed over to the concerned person and hence, the 1st respondent had relinquished all their rights over the subject property. However, without considering all these aspects in a proper manner, the RDO had issued the impugned order and cancelled the patta, which was issued after thorough verification.

4.9 There is no dispute on the aspect that the subject lands were initially acquired by the 1st respondent for defence purpose after the payment of consideration to the then Government (now called as Government of Tamil Nadu) in terms of the Land Acquisition Act, 1894. Thereafter, it was sold to Ethirajalu Naidu by way of public auction. When such being the case, without hearing the vendors of the subject property, it is not proper to arrive at a decision that the sale deed dated 02.02.1953 is not a sale deed but merely an agreement. Hence, he requests this Court to quash the impugned proceedings dated 17.10.2024.

4.10 In support of his contentions, he referred to the following judgements, rendered by the Hon'ble Apex Court:

i) ***Deccan Paper Mills Company Limited vs. Regency Mahavir Properties and others*** reported in ***(2021) 4 SCC 786;***

ii) ***Hero Vinoth (Minor) vs. Seshammal*** reported in ***(2006) 5 SCC 545;***

iii) ***Distributors (Baroda) Pvt. Ltd. vs. Union of India,*** reported in ***(1986) 1 SCC 43;***

iv) ***Vishwas Footwear Company Ltd. vs. District Collector, Kancheepuram,*** reported in ***2011 SCC OnLine Mad 939;***

v) ***The Secretary of State for India in Council vs. Syed Ahmad Badsha Bahadur*** (SA.No.15 of 1920 order dated 11.04.1921)***;***

5. The submissions made by the 1st respondent:

5.1 Mr.AR.L.Sundaresan, learned Additional Solicitor General, appearing for the 1st respondent had confirmed the submissions made by the learned counsel appearing for the petitioners and would submit that in the year 1929, the land to an extent of 245.05 Acres was acquired by the then Government (now called as Government of Tamil Nadu) and the same was handed over to the 1st respondent for defence purpose. In the year 1952, an extent of 245.05 Acres of land was treated as surplus land and the same was brought for sale vide public auction. The aforesaid land was divided as three lots and sold to three successful bidders vide sale deeds dated 02.02.1953 in the following manner:

(i) an extent of 36.47 Acres of land was sold to M/s.Asbestos Cement Limited

(ii) an extent of 122.98 Acres of land was sold to Mr.A.R.Govindarajalu

(iii) an extent of 85.60 Acres of land was sold to one R.Ethirajulu Naidu

5.2 The above transactions were duly registered in the Military Land Register. Subsequently, on 20.01.1953, the Military Estate Officer had sent a letter to the Collector, Coimbatore, as an intimation with regard to the sale of land and sought for necessary changes in the revenue records.

5.3 Even in the year 2009, the 1st respondent, vide his letter dated 20.08.2004, had ascertained with regard to the genuineness of sale of subject property vide the public auction. In such case, the petitioners and their vendors are certainly entitled for patta, pertaining to their respective entitlement. However, without considering all these aspects, the revenue officials had refused to issue patta for one portion of subject land and cancelled the patta, which was already issued for other portion of subject land. Hence, he requests this Court to pass appropriate orders.

6. The submissions made on behalf of the Revenue Officials:

6.1 The learned Additional Advocate General appearing on behalf of the respondents 3 & 4 would submit that the subject land was originally acquired by the then Government (Government of Tamil Nadu) in the year 1929 in terms of Land Acquisition Act, 1894 and the same was handed over to the Defence Department. In such case, if the said land is declared as surplus, the same should have been reverted back to the then Government (now called as Government of Tamil Nadu) and the 1st respondent has no authority to conduct public auction for sale of the said land.

6.2 Further, he would contend that one Sathyanarayana, S/o.Ethirajalu Naidu, had filed a suit in OS.No.827 of 2004 against the rejection of patta application. However, the said suit was dismissed, vide judgement and decree dated 29.09.2011, whereby it has been held that the plaintiff therein had failed to produce the original title deeds and the documents, which were said to have executed in favour of the purchaser. It was also stated that in the copy of document produced by the plaintiff, it has been referred as “Indenture”, which means, it is not a sale deed but it is only an agreement for sale. The said dismissal order was confirmed vide judgement and decree dated 28.01.2015 & 24.09.2019 passed in AS.No.113 of 2012 and SA.No.208 of 2016. Therefore, he would submit that the rights of the parties were already decided and the same had attained its finality at the level of second appeal. In such case, unless and otherwise the judgement and decree dated 24.09.2019 passed in SA.No.208 of 2016 is challenged and set aside, the question of claiming right over the subject property by the petitioners would not at all arise.

6.3 He would also submit that the patta was issued to the petitioners by wrongly construing the document dated 02.02.1953 as sale deed. Subsequent to the dismissal of suits, the revenue authorities had rightly cancelled the aforesaid patta, issued in favour of the petitioners, vide the impugned proceedings dated 17.10.2024 and thus, there is no error on the part of the revenue officials. Therefore, he prays for dismissal of these petitions.

6.4 In support of his contentions, he referred to the following judgements, rendered by the Hon'ble Apex Court:

(i) ***Pandit Ishwardas vs. State of Madhya Pradesh and others*** reported in ***(1979) 4 SCC 163;***

(ii) ***Radhey Shyam and another vs. Chhabi Nath and others*** reported in ***(2015) 5 SCC 423;***

(iii) ***Mary Pushpam vs. Telvi Curusumary and others*** reported in ***(2024) 3 SCC 224;***

7. The submissions made on behalf of the 5th respondent:

7.1 The learned Senior counsel appearing for the 5th respondent (son of Sathyanarayana/plaintiff in the aforesaid suit) would submit that in this case, the subject property was acquired by Ethirajalu Naidu, who is none other than the grandfather of 5th respondent, vide public auction. In this regard, the sale deed dated 02.02.1953 was executed by the 1st respondent in favour of Ethirajalu Naidu. At the same time, two other lots of land was also sold to other two successful bidders vide sale deeds dated 02.02.1953. The intimation with regard to all the three transactions were communicated to the Collector by the 1st respondent vide letter dated 20.01.1953, whereby they had also sought for changes in the revenue records, pertaining to the subject property. Though the mutation was carried out in respect of other two transactions, the revenue officials had acted in biased manner and failed to mutate the revenue records, pertaining to the lot, which was purchased by 5th respondent's grandfather.

7.2 Under these circumstances, an application for issuance of patta was filed by the 5th respondent's grandfather. However, the same was rejected by the Revenue officials. Aggrieved over the rejection of application, the 5th respondent's father-Sathyanarayana had filed the suit in OS.No.827 of 2004, which was dismissed vide judgement and decree dated 29.09.2011 on the ground of non-production of evidences and original documents.

7.3 He would further contend that the said suit was filed without impleading the necessary party, i.e., 1st respondent, who is the seller of subject property. In such case, it is clear that the judgement and decree was passed in the absence of original documents and without hearing the necessary parties and hence, the same is liable to be set aside. Hence, he requests this Court to pass appropriate orders.

8. I have given due consideration to the learned Senior counsel appearing on behalf of the petitioner and the learned Additional Solicitor General, learned Additional Advocate General and all other learned counsel appearing on behalf of the respondents and also perused the entire materials available on record.

9. There is no dispute on the aspect that at the instance of 1st respondent, the subject land, to an extent of 245.05 Acres, was acquired by the then Government (now called as Government of Tamil Nadu) in the year 1929 by invoking the Land Acquisition Act, 1894, for the benefit of 1st respondent. Out of those lands, an extent of 191.66 Acres are patta lands and the remaining extent of 53.39 Acres are Poromboke lands. The said lands were handed over by the then Government (now called as Government of Tamil Nadu) to the 1st respondent upon the payment of entire consideration of a sum of Rs.16,557/- and subsequently, those lands were duly registered as the lands of 1st respondent in the Military Land Register.

10. In the year 1952, the aforesaid lands were declared as "surplus lands" and hence, the 1st respondent had decided to sell the same by virtue of

conducting public auction. The sanction for sale of those lands were issued by the Government of India on 27.05.1952. Subsequently, on 03.07.1952, the auction details were published in the Tamil Daily, namely "Swadesamitran" and on 05.07.1952, the public auction notice was also issued.

11. The entire land was divided into three lots and the auction was conducted by the 1st respondent on 25.07.1952. In the said auction, the sale was confirmed in favour of the three successful bidders in the following manner:

> (i) an extent of 36.47 Acres of lands were sold to M/s.Asbestos Cement Limited vide sale deed dated 02.02.1953 and the same was registered on 26.03.1953 as Document No.893/1953;
>
> (ii) an extent of 122.98 Acres of lands were sold to Mr.A.R.Govindarajalu vide sale deed dated 02.02.1953 and the same was registered on 30.03.1953 as Document No.597/1953;
>
> (iii) an extent of 85.60 Acres of lands were sold to one R.Ethirajulu Naidu vide sale deed dated 02.02.1953 and the same was registered on 24.03.1953 as Document No.885/1953.

12. Prior to the aforesaid process of registering the sale deed, initially, the certificate for handing over land was issued in favour of the Ethirajulu Naidu on 14.11.1952. Subsequently, on 17.12.1952, the sale of lands was duly registered in the Military Land Register. On 20.01.1953, the Military Estate Officer had

sent a communication to the Collector with regard to the aforesaid transactions and sought for mutation of revenue records, pertaining to the subject properties. On 02.02.1953, the sale deed vide Document No.885/1953 was executed in favour of the said Ethirajalu Naidu and it was duly registered on 24.03.1953.

13. On 08.02.1965, the Revenue Department of Government of Tamil Nadu, had issued GO(Ms)No.2871 as an order for change of classification in the revenue records from “Rifle Range Poromboke” into “Assessed Waste Dry” to an extent of 122.98 Acres on the basis of the sale deed executed in favour of M/s.Importers Private Limited, Coimbatore. Similarly, the land to an extent of 36.47 Acres, at Kurichi Village, was also re-classified and the revenue records, pertaining to those lands, were mutated in the name of M/s.Asbestos Cement Limited. In such case, no doubt, the revenue officials are supposed to have changed the classification of the subject lands at par with the aforesaid two extents of land, since the same were purchased vide the very same public auction. However, the officials had acted in a biased manner and refused to change the classification of the subject land.

14. As narrated above, originally, 5th respondent’s grandfather-Ethirajalu Naidu had acquired the subject property through public auction in the year 1953 by virtue of sale deed dated 02.02.1953 to an extent of 85.60 Acres of land. Thereafter, in the year 1958, Ethirajalu Naidu had executed an exchange

deed/partition deed dated 30.11.1958, to transfer an extent of 47.11 Acres of land from and out of 85.6 Acres of land, to and in favour of his brother-R.Krishnaswamy Naidu. Thereafter, the said Krishnaswamy Naidu had retained an extent of 1.43 Acres and sold an extent of 45.68 Acres of land in favour of Rangaswamy Naidu Orchards Private Limited (later merged with petitioner in WP.No.34048 of 2024 by virtue of order dated 22.06.2023) vide sale deed dated 20.02.1959. Subsequently, the said Rangaswamy Naidu Orchards Private Limited had retained 33.84 Acres of land and sold an extent of 13.27 Acres of land to an Old Age Home in Coimbatore, namely Aged Home Trust (petitioner in W.P.No.38692 of 2024) vide sale deed date 16.02.1981.

15. After thorough verification, patta was issued by the Revenue Officials in favour of the petitioners in the year 2009. Thereafter, after getting all the approval, including DTCP and LPA, the petitioner in WP.No.34048 of 2024 had formed a layout with 318 housing plots, out of which 308 plots were sold from the year 2011 and as on date, only 10 plots are now available for sale. The purchasers of the plots, i.e., plot owners, formed an Association, namely M/s.Tarun Residency Welfare Association (petitioner in WP.No.47016 of 2025).

16. Under these circumstances, the impugned order came to be passed against the petitioners, cancelling the patta, issued in their names. The main

ground for issuance of the said impugned order is nothing but the dismissal of the suit, which was filed by the 5th respondent's father, who is none other than the legal heir of Ethirajalu Naidu (one of the successful bidders in the auction conducted in the year 1952).

17. At this juncture, it would be pertinent to mention that initially, a suit was filed in OS.No.827 of 2004 by one Sathyanarayana, who is father of 5th respondent and son of Ethirajalu Naidu, against the rejection of patta application. However, the said suit was dismissed vide judgement and decree dated 29.09.2011 for non-production of evidences and original documents. Aggrieved over the same, AS.No.113 of 2012 was filed and the same was also dismissed vide judgement and decree dated 28.01.2015, against which SA.No.208 of 2016 was filed. However, the said second appeal was also dismissed vide judgement and decree dated 24.09.2019. The relevant portion of the judgement and decree passed in the aforesaid suits were duly extracted in the impugned notice issued by the RDO and the same reads as follows:

> *"The following are the related extract of the order passed on this case on 29.09.2011 as found from page 8 to 11 of the verdict.*
>
> *பத்திர எண்.885/1953 நாள் 02.02.1953 (85.60 ஏக்கருக்கான ஆவணம்) ஆவணவாசகத்திலிருந்து வா.சா.ஆ.1 கிரைய ஆவணம் அல்ல என்றும் ஒரு ஒப்பந்தம் என்றும் தெளிவாக தெரிகிறது. வா.சா.ஆ.1-இன் முகப்பிலேயே கண்டுள்ள Indenture*

என்பதற்கு Oxford Advanced Learners Dictionary-ல் "a type of contract in the past that forced a servant or apprentice towards for their employer for a particular period of time" என்று அர்த்தம் காட்டப்பட்டுள்ளது. சென்னை பல்கலைக்கழகஅகராதியில் "தொழில் முறைக் கட்டு ப்பாட்டு ஒப்பந்தம் (நவ்ன்), தொழில அடிப்படையில் ஒப்பந்தபிணைப்பு செய்துகொள் (வெர்ப்)" என அர்த்தம் காட்டப்பட்டுள்ளது. எனவே, வா.சா.ஆ.-1 (02.02.1953-ம் தேதியகிரையப் பத்திரத்தின் நகல்) ஒருதொழில் முறைக்கான ஒப்பந்தமே என்ற முடிவிற்கு இந்நீதிமன்றம் வருகிறது.

மேலும், வா.சா.ஆ-1 (02.02.1953-ஆம் தேதிய கிரையப் பத்திரத்தின் நகல்) படி தாவா சொத்துக்களை வாதியின் தகப்பனாருக்கு உரிமை இல்லாதபோது பி அட்டவணை சொத்தை குறித்து வா.சா.ஆ 2 (30.11.1985-ந்தேதிய பரிவர்த்தனை பத்திரநகல்) மற்றும் வா.சா.ஆ-3 (03.12.1958 தேதி பதிவு செய்யப்பட்ட பாகப்பத்திரம்) ஆகியவை மூலமும் வாதிக்கு உரிமை இல்லை.

மேற்கண்ட சங்கதிகள் மற்றும் சாட்சியங்கள் ஆய்வுக்கு பின தாவா சொத்து வாதிக்கு பாத்தியப்பட்டதல்ல என எழுவினா 1-க்கு தீர்வு காணப்படுகிறது. தாவா சொத்தில் வாதி சுவாதீனத்தில் இருப்பதற்கான ஆவணமோ சாட்சியமோ எதுவும் தாக்கல் செய்யப்படாததால், வாதிதாவா சொத்தில் இல்லை என எழுவினா 2-க்கும், வாதி கோரியுள்ள விளம்புகை பரிகாரம் வாதிக்கு கிடைக்கத்தக்கதல்ல என எழுவினா 3-க்கு தீர்வு காணப்படுகிறது. எழுவினா 1 முதல் 3 முடிய வாதிக்கு எதிராக தீர்மானிக்கப்பட்டுள்ள நிலையில் செயலுறுத்துக்கட்டளை பரிகாரம் வாதிக்கு கிடைக்கத்தக்கதல்ல என எழுவினா 4-க்கும், எனவே வாதி கோரியுள்ள நிரந்தர உறுத்துக்கட்டளை பரிகாரம் பெறத்தக்கதல்ல என எழுவினா 5-க்கும், பரிகாரம்

ஏதமில்லை என எழுவினா 6-க்கும் தீர்வு காணப்பட்டு வழக்கு தள்ளுபடி செய்து தீர்ப்பளிக்கப்படுகிறது.

Aggrieved by the above order passed in Os.No.827/2004 in the file of the II Additional District Munsif Court, an appeal was filed by E.Sathyanarayana before the III Additional Sub-Court, Coimbatore in AS.No.113/2012 and the above Court dismissed the appeal confirming the order passed by the lower Court as below:

"9. The lower court in its Judgement came to the conclusion that the Ex.A1 is not at all a sale deed and it is an agreement only The lower Court has given an explanation that the Ex.A1 was titled as deed of 'Indenture' only which means a contract only as per the dictionary meaning. The learned counsel for the appellate/plaintiff argued that the above finding of the lower Court is not acceptable since the Ex.A.1 is a registered sale deed and executed on behalf of the President of India. As already stated that the appellant has not produced the original of Ex.A1 and the correspondence with regard to the same. Further the appellant miserably failed to prove the alleged possession of his family over the same is in accordance with the Ex.A.1 only. The appellant family though claimed that the suit lands are agricultural lands with their exclusive possession, they have not produced any/document to prove the same. No supporting evidence was let in this regard. Above all, the appellant himself concedes that he has been paying penal tax only by way of 'B' memos raised by the government which is admittedly issued against the persons who are in unlawful possession of a property belonged to the government. Even if

the Ex.A.1 is admitted to be a sale deed, there is no piece of evidence it was acted upon. The defendants have specifically averred in the written statement that the application seeking issuance of patta was rejected by the competing authorities…

… In the result, Appeal is dismissed by confirming the decree and judgement dated 29.09.2011 in OS.No.827 of 2004 of the learned II Additional District Munsif, Coimbatore. No cost.”

In the 2nd appeal No.208/2016 filed by E.Sathyanarayana before the Hon'ble High Court of Madras, the appeal was dismissed on 24.09.2019 observing that

“…15…. I do not find any valid reason to interfere with the concurrent judgement and decree of the Courts below for declining the reliefs prayed for by the plaintiff…

…17. For the reasons afore stated, the substantial questions of law formulated in the second appeal are accordingly answered against the plaintiff and in favour of the defendants.

In conclusion, the second appeal fails and is accordingly, dismissed with costs. Consequently, connected miscellaneous petition, if any, is closed.”

18. By referring the above findings of the Trial Court and Appellate Court, the RDO had recorded the following in the impugned notice dated 17.10.2024:

“*In view of the judgement delivered in the Original Suit, Appeal Suit and Second Appeal, an extent of 85.60 Acre of land in S.F.No.603/1B and others which was transacted* *between Ministry of Defence and Thiru.Ethirajalu Naidu by way of Indenture deed, is not a sale document, merely an agreement. Hence, the main ground of the petitioner that they purchased the land from B.Rangaswamy Naidu Orchards Pvt Ltd vide sale deed No.1171/1981 dated 16.02.1981 is itself failed in the test as per Latin Maxim 'Nemo dat quod non habet' which generally means 'that a person cannot by transfer or otherwise confer a better title on another than he himself has', since the Sale Deed as claimed by the Petitioner is observed by various Civil Court as well as the Hon'ble High Court of Madras in SA.No.208/2016 as an Indenture and not a sale deed. Further more, verdict passed in OS.No.827/2004 observing that sale deed dated 02.02.1953 is an "Indenture", a type of agreement only and the 1st appeal AS.No.113/2012 and the 2nd appeal No.208/2018 were dismissed confirming the order of the lower Courts and after perusal of the relevant court orders and related revenue records, it is concluded that the Patta transfer order passed by the Tahsildar is in contravention to the Government procedures, i.e., the Tahsildar, erstwhile Coimbatore south taluk, during the pendency of court proceedings in OS.No.827/2004 has exercised extra jurisdictional power on passing Patta transfer orders on 29.12.2009."*

19. Upon perusal, it appears that in the suits filed by the father of 5th respondent, the vendor (1st respondent) was not impleaded as party. No doubt that the seller-1st respondent is the right person to appear before the Court and

depose with regard to the nature and genuineness of sale deed, which was executed on 02.02.1953 and registered on 24.03.1953 vide Document No.885 of 1953. However, in this case, the judgement and decree for dismissal of the suits were passed without hearing the necessary parties.

20. Further, while dismissing the suits, filed by the 5th respondent's father, the Trial Court had perused the photocopy of the sale deed dated 02.02.1953 and by referring the usage of the said word "indenture" in the said photocopy, the Trial Court had arrived at a conclusion that the said deed is not a sale deed but merely an agreement.

21. On the other hand, upon perusal of the said document, it appears that in the title of the document, it was clearly stated as "sale deed No.885/1953", and in 1st portion, though it has been mentioned as "indenture", it further speaks with regard to the consent between the parties for sale of property. Thereafter, it has been mentioned with regard to the transfer of rights, title, etc., in favour of the purchaser (5th respondent's grandfather), whereby the 1st respondent had relinquished their rights over the said land. When such being the case, the Trial Court is supposed to have taken into consideration of the entire document. However, without doing so, by merely citing the usage of the word "indenture", it was held by the Trial Court that Document No.885 of 1953 is not a sale deed but an agreement.

22. If the parties intend to execute an indenture to enter into an agreement, there is no necessity to mention it as "sale deed" at the title of the said document. To substantiate the said aspect, it would be apposite to refer the relevant portions of counter, filed by the 1st respondent, which read as follows:

> "*4. I submit that with regard to averments made in para 5, 6 & 7 of the affidavit, it is an admitted fact that as per the Military Land Register (MLR), the extent of 245.05 acres in Kurichi village, Podanur Rifle range, Coimbatore was acquired in the year 1927 by the Govt. of India, Ministry of Defence. The MLR extract is annexed as A-1. On declaration of surplus land for Army use, said Defence land measuring 245.05 acres kept under the management of Military Estates Officer (now Defence Estates Officer) for its disposal. Sanction for conduct of public auction of the above said land was issued by the Ministry of Defence vide letter No. dated 27.05.1952. The Copy of the letter is annexed as A-2. It is admitted that, the public auction was conducted by Military Estates Officer and the military lands known as "Podanur Rifle Range" measuring 245.05 acres has been sold in an open auction in three lots. The auction notice issued by the Military Estates Office dated 05.07.1952 is annexed as A-3 and the auction news were published in Tamil daily newspaper "Swadesamithran" on 03.07.1952 is annexed as A-4.*
>
> *5. I submit that with regard to averments made in para 8 of the affidavit, it is an admitted fact that the defence land i.e. Podanur Rifle range in Kurichi village, Coimbatore District*

admeasuring 245.05 acres was sold by Govt. of India, Ministry of Defence in three lots viz, land measuring-36.47 acres, 85.60 acres and 122.98 acres. On successful of auction, 85.60 acres of land was handed over to one Mr. R. Ethirajalu Naidu on 14.11.1952 by the Rep. of Military Estates Officer, Madras circle. Copy of handing/taking over certificate is annexed as A-5.

6. I submit that with regard to averments made in para 9 of the affidavit, the Defence land known as Podanur Rifle range measuring 245.05 acres has been sold in three lots. As stated above an extent of 36.47 acres of land sold to M/s Asbestos cement Ltd, an extent of 85.60 acres sold to Mr.R. Ethirajalu Naidu and an extent of 122.98 acres sold to Mr.A.R.Govindarajalu) The updated extract of the Military Land Register regarding sale of above said lands at Podanur Rifle Range, Coimbatore dated 17.12.1952 is annexed as A-6.

7. I submit that with regard to averments made in para 10 of the affidavit, the proceedings of patta which was mentioned in the affidavit by the petitioner are not aware of this respondent as the land was sold and handed over to the succeed bidders. However, the Military Estates Officer, Madras Circle letter dated 20.01.1953 addressed to the Collector of Coimbatore regarding the sale of 245.05 Acres of defence land and to make necessary changes in revenue records. The copy of the letter is annexed as A-7.

8 to 16. ……………….

17. I submit that with regard to avermentsmade in Para I of the affidavit, it is an admitted fact which was already intimated to the petitioner through letter dated 20.05.2024 *and clarified that after the sale of the said property by the Govt. of India, Ministry of defence has relinquished all its rights over the said land in favour of the purchasers and has no dues against them as per the official records.*

18. I submit that with regard to averments made in Para J of the affidavit, it is an admitted fact that the defence land i.e. Podanur Rifle Range in Kurichi village, Coimbatore District measuring 245.05 acres was sold by Govt. of India, Ministry of Defence in three parts measuring 36.47 acres, 85.60 acres and 122.98 acres. The 85.60 acres part of land handed over to Mr. R. Ethirajalu Naidu on 14.11.1952 by the Rep. of Military Estates Officer, Madras Circle. However, the Military Estates Officer, Madras Circle addressed to the Collector of Coimbatore on 20.01.1953 regarding the sale of 245.05 Acres of defence land and to make necessary changes in revenue records."

23. A reading of the above counter filed by the 1st respondent confirms that the Document No.885 of 1953 is a sale deed, which was executed in favour of Ethirajalu Naidu. It was also stated that from the date of execution of said sale deed, the 1st respondent had relinquished all their rights over the property with regard to the 245.05 Acres of lands. Even the extract of Military Land Register would show that the land was sold on 02.02.1953 by way of public auction. Thus, it is clear that the vendor (1st respondent) had categorically confirmed that they have sold the lands in the year 1952 by way of public auction and consequently, relinquished their rights over the property.

24. As stated above, if any judgment is passed without impleading and hearing the necessary parties to the suit, the same would be considered as bad in law and thus, it cannot be enforced against the others, who are not parties to the said suit. In such case, it is clear that the judgement and decree, which was passed by the Trial Court without impleading the vendors of the subject property, suffers from a fatal procedural defect and hence, the same will not bind the petitioners and the 5th respondent.

25. At this juncture, it would be apposite to refer the judgement, rendered by the Hon'ble constitution Bench of the Hon'ble Apex Court in ***Distributors (Baroda) Pvt. Ltd., vs. Union of India and others*** reported in ***(1986) 1 SCC 43***, wherein it has been held as follows:

> *"19. But, even if in our view the decision in Cloth Traders case is erroneous, the question still remains whether we should over-turn it. Ordinarily we would be reluctant to over-turn a decision given by a Bench of this Court, because it is essential that There should be continuity and consistency in judicial decisions and law should be certain and definite. It is almost as important that the law should be settled permanently as that it should be settled correctly. But there may be circumstances where public interest demands that the previous decision be reviewed and reconsidered. The doctrine of stare decisis should not deter the Court from over-ruling an*

earlier decision, if it is satisfied that such decision is manifestly wrong or proceeds upon a mistaken assumption in regard to the existence or continuance of a statutory provision or is contrary to another decision of the Court. It was Jackson, J. who said in his dissenting opinion in Massachusetts v. United States: "I see no reason why I should be consciously wrong today because I was unconsciously wrong yesterday". Lord Denning also said to the same effect when he observed in Ostime v. Australian Mutual Provident Society: "The doctrine of precedent does not compel Your Lordships to follow the wrong path until you fall over the edge of the cliff". Here we find that there are over-riding considerations which compel us to reconsider and review the decision in Cloth Traders case. ……………….”

26. A reading of the above judgement would clearly reveal that normally, the Court would be reluctant to over-turn a decision given by a Bench of this Court, because it is essential that there should be continuity and consistency in judicial decisions and law should be certain and definite. It is almost as important that the law should be settled permanently as that it should be settled correctly. But there may be circumstances where public interest demands that the previous decision be reviewed and reconsidered. The *doctrine of stare decisis* should not deter the Court from over-ruling an earlier decision, if it is satisfied that such decision is manifestly wrong or proceeds upon a mistaken assumption in regard to the existence or continuance of a statutory provision or is contrary to another decision of the Court. The doctrine of precedent does not

compel the Court to follow the wrong path until you fall over the edge of the cliff.

27. Therefore, as observed above, in the present case, it is not proper to rely upon the judgement and decree dated 29.09.2011 rendered in OS.No.827 of 2004 since it was passed in lack of primary evidence and without impleading the necessary parties.

28. Now, the necessary party, i.e., vendors-1st respondent, was duly impleaded in these petitions and they had clearly filed a detailed counter (extracted supra) by stating that they have executed the sale deed dated 02.02.1953 in favour of Ethirajalu Naidu, for an extent of 85.60 Acres of land and consequently, they had relinquished all their rights over the said property. However, due to the failure in impleading the aforesaid necessary party (1st respondent) in the suit filed by the 5th respondent's father, the Trial Court had erred in depriving the plaintiff's right over the subject property, by a mere misinterpretation of the word 'Indenture' in the sale deed dated 02.02.1953.

29. Even in the judgement rendered by the Hon'ble Apex Court in ***Hero Vinoth (Minor) vs. Seshammal*** reported in ***(2006) 5 SCC 545***, it has been held that if there is any misinterpretation in considering the document, which was produced before the Trial Court, the judgement and decree passed by the said

Trial Court can be interfered in terms of Section 100 of the Code of Civil Procedure, 1908. The relevant portion of the said judgement reads as follows:

> *"16. It is now well settled that an inference of fact from a document is a question of fact. But the legal effect of the terms or a term of a document is a question of law. Construction of a document involving the application of a principle of law, is a question of law. Therefore, when there is a misconstruction of a document or wrong application of a principle of law while interpreting a document, it is open to interference under Section 100 CPC. If a document creating an easement by grant is construed as an 'easement of necessity' thereby materially affecting the decision in the case, certainly it gives rise to a substantial question of law."*

30. However, in this case, even the Appellate Court in Second Appeal also had failed to consider the above aspect and confirmed the judgement and decree dated 29.09.2011 passed by the Trial Court in OS.No.827 of 2004.

31. That apart, it appears that the sale was effected by virtue of Act No.XV of 1895, which means, the Transfer of Property Act, 1882 would not apply for the sale deed dated 02.02.1953. In such case, For better understanding, the relevant portion of Act No.XV of 1985 is extracted hereunder:

"ACT No. XV OF 1895.
PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General
on the 10th October, 1895.)

An Act to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, and to remove certain doubts as to the powers of the Crown in relation to such grants.

WHEREAS doubts have arisen as to the extent and operation of the Transfer of Property Act, 1882, and as to the power of the Crown to impose limitations and restrictions upon grants and other transfers of land made by it or under its authority, and it is expedient to remove such doubts; It is hereby enacted as follows :-

1. (1) This Act may be called the Crown Grants Act, 1895.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. Nothing in the Transfer of Property Act, 1882, contained shall apply or be deemed ever to have applied to any grant or other transfer of land or of not any interest therein heretofore made or hereafter to be made by or out behalf of Her Majesty the Queen Empress, her heirs or successors, or by or on behalf of the Secretary of State for India in Council to, or in favour of, any person whomsoever; but every such grant and transfer shall be construed and take effect as if the said Act had not been passed.

3. All provisions, restrictions, conditions and limitations over contained in any such grant or transfer according to as aforesaid shall be valid and take effect according to their tenor, any rule of law, statute or enactment of the Legislature to the contrary notwithstanding."

32. As stated above, since the aforesaid sale deed was executed in terms of Act No.XV of 1895, the Transfer of Property Act, 1882, will not apply. The said aspect was also held vide the judgement rendered by the Hon'ble Apex Court in ***TATA Steel Limited vs. State of Jharkhand and others*** reported in ***(2015) 15 SCC 55***. The relevant portion of the said judgement reads as follows:

> *"16. ………………. In other words, when the Government transfers land or any interest therein to any person, such a transfer is not governed by the Transfer of Property Act, 1882. The rights and obligations flowing from the transfer of either a piece of land or an interest therein by the Government cannot be determined on the basis of the rights and obligations specified under the Transfer of Property Act, 1882. They are to be ascertained only from the tenor of the document made by the Government evidencing such a transfer……………....."*

33. Further, it was also held by the Hon'ble Apex Court in the judgement rendered in ***Hajee S.V.M.Mohamed Jamaludeen Bros & Co. vs. Government of Tamil Nadu*** reported in ***(1997) 3 SCC 466***. The relevant portion of the said judgement reads as follows:

> *"10. The combined effect of the above two sections of the Grants Act is that terms of any grant of terms of any transfer of land made by a government would stand insulted from the tentacles of any statutory law. Section 3 places the terms of such grant beyond the reach of any restrictive provision contained n any enacted law or even the equitable principles of justice equity and good conscience adumbrated by common law if such principles are inconsistent with such terms. The two provisions are so framed as to confer unfettered discretion on the government to enforce any condition or limitation or restriction*

in all types of grants made by the government to any person. In other words, the rights, privileges and obligations of any grantee of the government would be completely regulated by the terms of the grant, even if such terms are inconsistent with the provisions of any other law."

34. Apart from the above, in this case, the impugned notice came to be issued by the RDO only by citing the dismissal of suit in OS.No.827 of 2004. However, in terms of Section 34 & 35 of Specific Relief Act, since the petitioners were not impleaded as parties to the said suit, the judgement and decree dated 29.09.2011 passed by the Trial Court will not bind the petitioners and other persons, who are all not parties to the said suit.

35. The above aspect was clearly held in the judgement, rendered by the Hon'ble Apex Court in ***Deccan Paper Mills Company Limited vs. Regency Mahavir Properties and others*** reported in ***(2021) 4 SCC 786*** and the relevant portion of the same reads as follows:

> *"29. When sections 34 and 35 are seen, the position becomes even clearer. Unlike section 31, under section 34, any person entitled to any legal character may institute a suit for a declaration that he is so entitled. Considering that it is possible to argue on a reading of this provision that the legal character so declared may be against the entire world, section 35 follows, making it clear that such declaration is binding only on the parties to the suit and persons claiming through them, respectively. This is for the reason that under section*

4 of the Specific Relief Act, specific relief is granted only for the purpose of enforcing individual civil rights. The principle contained in section 4 permeates the entire Act, and it would be most incongruous to say that every other provision of the Specific Relief Act refers to in personam actions, section 31 alone being out of step, i.e., referring to in rem actions."

36. A reading of the above paragraph would make it clear that a judgement would certainly bind only the persons, against whom it was passed. In such view of the matter, it is needless to say that the judgements dated 29.09.2011, 28.01.2015 & 24.09.2019 passed in OS.No.827 of 2004, AS.No.113 of 2012 & SA.No.208 of 2016 will not bind the petitioners herein since the petitioners are not parties to the said suit and appeals.

37. Further, in the judgement rendered by the Hon'ble Apex Court in ***Vishwas Footwear Company Ltd. vs. District Collector, Kancheepuram,*** reported in ***2011 SCC OnLine Mad 939***, it has been held as follows:

"17. The question as to whether the revenue authorities be it the Tahsildar exercising power under section 3 or under section 5 or under section 10 or the Revenue Divisional Officer exercising power under section 12, can consider only a prima facie case as to the entitlement of a person or persons for issuance of patta. In the event such officers encounter a dispute which could be resolved only by a competent civil Court, they would not have jurisdiction to enter into such civil

dispute for adjudication. To this extent, the judgments in Kuppuswami Nainar's case followed in Chockkappan'c case may be relied upon. The learned Judge in the order under appeal has also relied upon those judgments and we are in agreement with the same."

38. As held in the above judgement, the title dispute has to be resolved only by the appropriate Court of law and thus, the revenue officials has no authority of jurisdiction to decide the title or rights of the concerned parties over a property. However, in this case, the RDO had decided the title dispute and cancelled the patta, which was issued in favour of the petitioners after a thorough and deep verification. Therefore, the impugned order passed by the RDO is liable to be set aside on this ground also.

39. Three judgements were referred by the learned Additional Advocate General. Firstly, in the judgement rendered by the Hon'ble Apex Court in ***Radhey Shyam and another vs. Chhabi Nath and others*** reported in ***(2015) 5 SCC 423***, it has been held as follows:

"27. Thus, we are of the view that judicial orders of civil courts are not amenable to a writ of certiorari under Article 226. We are also in agreement with the view of the referring Bench that a writ of mandamus does not lie against a private person not discharging any public duty. Scope of Article 227 is different from Article 226.

28. We may also deal with the submission made on behalf of the respondent that the view in Surya Dev Rai stands approved by larger Benches in Shail, Mahendra Saree Emporium and Salem Advocate Bar Assn and on that ground correctness of the said view cannot be gone into by this Bench. In Shail, though reference has been made to Surya Dev Rai, the same is only for the purpose of scope of power under Article 227 as is clear from para 3 of the said judgment. There is no discussion on the issue of maintainability of a petition under Article 226. In Mahendra Saree Emporium, reference to Surya Dev Rai is made in para 9 of the judgment only for the proposition that no subordinate legislation can whittle down the jurisdiction conferred by the Constitution. Similarly, in Salem Bar Assn. in para 40, reference to Surya Dev Rai is for the same purpose. We are, thus, unable to accept the submission of learned counsel for the respondent."

40. Secondly, in the judgement rendered by the Hon'ble Apex Court in ***Mary Pushpam vs. Telvi Curusumary and others*** reported in ***(2024) 3 SCC 224***, it has been held as follows:

"17. In the light of the above facts, arguments and findings recorded by the High Court in its judgment dated 30.03.1990, apparently no defence was left for the respondents to take as it was already held that the appellant had perfected her rights by adverse possession over the suit property which was 8 cents of land. The construction of the appellant was standing over the 8 cents of land may be on part of it but she was found in possession of the entire 8 cents."

41. Thirdly, in the judgement rendered by the Hon'ble Apex Court in ***Pandit Ishwardas vs. State of Madhya Pradesh and others*** reported in ***(1974) 4 SCC 163***, it has been held as follows:

> *"7. The plaintiff in both the suits was the same. The contesting defendant was also the same, namely the State of Madhya Pradesh. In the present suit Melaram and the Chief Conservator of Forests were also impleaded as parties whereas in the other suit some other person was a party. We do not see that it makes any difference. In order to sustain the plea of res judicata it is not necessary that all the parties to the two litigations must be common. All that is necessary is that (he issue should be between the same parties or between parties under whom they or any of them claim. The issue in the present suit and the issue in the Dewas suit were between the same parties namely the appellant and the State of Madhya Pradesh. The submission that the subject matters of the two suits were different because the present suit was for a declaration and the other suit was for damages is equally without substance since the issue between the parties was identical in both the suits. The question at issue in both the suits was whether the agreement between Melaram and the Government and the surety bond executed by the plaintiff were not enforceable because of the failure to comply with Article 299 of the Constitution. The ground on which the agreement and the surety bond were sustained in the Bewas suit was that the Raj Pramukh had ratified the same. The fact that the ratification by the Raj Pramuka was not expressly mentioned in the present suit does not make any difference to*

the plea of res judicata. Once the questions at issue in the two suits are found to be the same, the fact that the material which led to the decision in the earlier suit was not again placed before the Court in the second suit cannot make the slightest difference. The plea of res-judicata may be sustained, without anything more if the questions at issue and the parties are the same, subject of course to the other conditions prescribed by Section 11 Civil Procedure Code. The submission of the learned Counsel that the decision of the Dewas Court and the High Court in the other suit were non est because they upheld an illegal contract has only to be noticed to be rejected."

42. A perusal of the above portions of the three judgements referred by the learned Additional Advocate General, makes it clear that those judgements will not be applicable for the present case.

43. For all the above reasons, this Court finds that the Revenue Divisional Officer had committed a serious fault in the decision making process and therefore, the said impugned proceedings issued by the RDO dated 17.10.2024 is liable to be set aside.

44. Accordingly, this Court passes the following orders:

i) The impugned proceedings dated 17.04.2024 issued by the Revenue Divisional Officer is hereby set aside.

ii) Consequently, the original patta issued in favour of the petitioners and other land owners of the subject land, under sale deed dated 02.02.1953, stands restored and the same can be used for all practical purposes.

iii) Further, if the patta was not already issued to the land comprised in the sale deed dated 02.02.1953, the concerned Revenue Authorities (Tahsildhar) shall issue patta, in favour of all the respective land owners, who are currently in possession of the lands, including the 5th respondent, within a period of 2 weeks from the date of receipt of a copy of this order.

iv) The concerned Revenue Authorities are directed to make suitable corrections in their records to give immediate effect to this order.

45. With the above directions, these writ petitions are disposed of. No cost. Consequently, the connected miscellaneous petitions are also closed.

31-08-2026

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

To

1. Union Of India
   Rep By Its Ministry Of Defence Defence
   Estate Office, Madras Circle,
   306 Anna Salai, Teynampet, Chennai.

2. The District Collector
   Coimbatore District, Collectorate Office,
   State Bank Road, Gopalapuram,
   Coimbatore- 641 018.

3. Revenue Divisional Officer
   Coimbatore South, State Bank Road,
   Gopalapuram, Coimbatore- 641 018.

4. The Sub Registrar,
   Madukarai, Coimbatore.

5. The Executive Engineer,
   Operation And Maintenance,
   Distribution Circle, South,
   Tamil Nadu Power Distribution Corporation
   Ltd, Coimbatore. 641 008.

6. Commissioner Of Land Administration
   Ezhilagam, Chepauk, Chennai-600 005.

7. Tahsildar
   Office Of The Tahsildar, Madukarai Taluk,
   (previously Coimbatore South Taluk)
   Coimbatore641 105.

8. District Revenue Officer,
   Coimbatore-641 018.

KRISHNAN RAMASAMY J.

nsa

WP No. 34048 & 38692 of 2024 & 47016 of 2025

31-08-2026