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“PATTA AS PROOF OF TITLE UNDER TAMIL NADU LAND LAWS: A CRITICAL ANALYSIS OF JUDICIAL TRENDS”

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ABSTRACT

This doctrinal research paper critically examines the legal status of Patta – the revenue record issued by the Tamil Nadu Government – as a proof of title to land. In Tamil Nadu, land ownership disputes frequently hinge on the evidentiary value and legal weight accorded to Patta vis-à-vis other instruments of title such as sale deeds, settlement deeds, and court decrees. The paper undertakes a systematic analysis of the statutory framework governing Patta, the administrative mechanism of the Tamil Nadu Land Revenue Act, 1955, and the broader revenue laws of the State, alongside a rigorous examination of judicial pronouncements by the Supreme Court of India and the Madras High Court.

The research critically evaluates the persistent judicial trend of treating Patta as evidence of possession and not title, while simultaneously acknowledging its practical indispensability in land transactions and government dealings. The paper interrogates the paradox that arises when revenue entries – administratively created documents – are accorded differential weight in civil courts depending upon the factual context, thereby generating inconsistency and uncertainty in land jurisprudence. Through a doctrinal lens, the paper analyses key cases, statutory provisions, and administrative orders to assess whether a unified and coherent legal standard governing Patta as title-evidence has emerged, or whether the law remains in a state of flux.

The paper concludes with recommendations for legislative clarity and administrative reform to resolve the doctrinal ambiguity surrounding Patta and to establish a more equitable and predictable framework for land title determination in Tamil Nadu.

Keywords: Patta, Tamil Nadu, Land Title, Revenue Records, Proof of Title, Madras High Court, Land Revenue Act, Doctrinal Research, Property Law, Judicial

CHAPTER I

INTRODUCTION

1.1 INTRODUCTION

Land is the most enduring and contested form of property in India. In Tamil Nadu, a State with a deep agrarian heritage and complex land administration history rooted in both colonial and post-independence governance, the

question of who owns land and how that ownership is proved remains among the most litigated issues in civil courts. At the heart of this question lies a deceptively simple document: the Patta.

Patta is a type of land deed issued by the government to an individual or organization. The term is used in India and certain other parts of South Asia for a small piece of land, granted

by the government to an approved cultivator with a land revenue exemption. The period of exemption is what is required to bring the land under cultivation. These land deeds were associated with the process of land reform in India, after the colonial period. A person holding a patta is known as a pattadar

This paper proceeds from the premise that a clear, principled, and consistently applied judicial standard governing the evidentiary weight of Patta is essential to the rule of law in land matters. It examines whether such a standard exists, how it has evolved, and what reforms – legislative or judicial – might be necessary to resolve the doctrinal ambiguity.

1.2 SIGNIFICANCE OF STUDY

1. Constitutional Significance - While the right to property ceased to be a fundamental right upon the enactment of the Forty-Fourth Amendment Act, 1978 which deleted Article 19(1)(f) and substituted Article 300A it retains the status of a constitutional right. Article 300A mandates that no person shall be deprived of their property except by authority of law. The ambiguity surrounding Patta's evidentiary status potentially permits arbitrary deprivation of property, raising constitutional concerns that merit academic scrutiny.
2. Policy Significance - The Government of Tamil Nadu has undertaken several digitisation and modernisation initiatives in land records administration, including the Tamil Nilam project and integration of Patta records with registration data. These policy initiatives proceed on an implicit assumption that Patta is a reliable indicator of ownership. The research critically evaluates whether the legal framework supports this assumption and, if not, what policy interventions may be necessary.

1.3 REVIEW OF LITERATURE

A review of existing literature reveals that scholarly attention to the specific question of Patta as proof of title, as a discrete doctrinal inquiry, has been relatively sparse, notwithstanding the volume of case law on the

subject. The literature falls into four broad categories:

1. The seminal work of G.C.V. Subba Rao in his treatise on Law Relating to Land Revenue in India provides an early and comprehensive treatment of revenue records in their administrative context. Subba Rao examines Patta primarily from the perspective of land revenue liability and discusses its role in identifying the 'ryot' or land-holder for purposes of revenue collection. He does not, however, engage with the specific question of its evidentiary value in civil courts in the contemporary context. The work remains a foundational reference for understanding the colonial genealogy of revenue record systems.
2. N.S. Bindra's Commentaries on the Transfer of Property Act, though a general text, addresses the interplay between registered title documents and possession records in the context of priority of title. Bindra's analysis provides doctrinal scaffolding for understanding why revenue records, being administrative instruments, have historically been treated differently from registered conveyances under the Indian Registration Act, 1908.
3. P.S. Raman's Commentary on the Tamil Nadu Land Revenue Act, 1955 remains the most detailed State-specific treatment of the statutory framework governing Patta. Raman's work provides a section-by-section analysis of the 1955 Act and the Tamil Nadu Land Revenue Rules, 1970, situating Patta within the broader administrative architecture of land management. However, the commentary, being primarily descriptive and statutory, does not engage in depth with the evolving judicial attitudes toward Patta as title evidence, nor does it address the constitutional dimensions of the question.
4. M. Krishnamurthy's Revenue Manual for Tamil Nadu similarly provides a practitioner-oriented overview of Patta administration without critically examining the doctrinal

tensions Microsoft.QuickAction.WiFithat have emerged from the case law. This research paper seeks to fill that analytical gap.

1.4 OBJECTIVE OF STUDY

This research paper is guided by the following specific objectives:

1. To examine the statutory and administrative framework governing Patta under the Tamil Nadu Land Revenue Act, 1955, the Tamil Nadu Land Revenue Rules, 1970, and related revenue laws, with a view to identifying the precise legal character and evidentiary status that the legislation accords to Patta.
2. To critically trace and analyse the judicial trends in the Madras High Court and the Supreme Court of India regarding the evidentiary weight of Patta as proof of title, identifying areas of consistency, inconsistency, and evolution in the case law.
3. To examine the doctrinal distinction between title and possession in the context of Patta, and to assess whether the judicial characterisation of Patta as evidence of possession rather than title is doctrinally sound, consistently applied, and equitable in its consequences.

1.5 RESEARCH QUESTION

1. What is the legal character of Patta under the Tamil Nadu Land Revenue Act, 1955, and the associated rules – does the statute itself assign any evidentiary weight to Patta in the context of title disputes?
2. Has the Madras High Court developed a consistent and principled doctrine governing the admissibility and weight of Patta as evidence in title disputes, or has the case law evolved in an ad hoc and context-dependent manner?
3. In what circumstances, if any, have the courts accorded evidentiary weight to Patta equivalent to or approaching proof of title – and what distinguishing features of fact or law have driven such outcomes?
4. What is the doctrinal basis for the distinction between title and possession in the context of revenue records, and is this distinction

adequately justified in the light of the realities of land ownership in Tamil Nadu?

1.6 RESEARCH METHODOLOGY

This paper employs a pure doctrinal research methodology. Doctrinal research, as articulated by Salmond and elaborated upon by contemporary jurisprudential scholars, involves the systematic analysis of primary legal materials—statutes, cases, and constitutional provisions—to identify and critically evaluate the state of law on a particular question. No empirical fieldwork, survey, or experimental method has been employed.

Primary sources consulted include: the Tamil Nadu Patta Pass Book Act, 1983 (Tamil Nadu Act 4 of 1986); the Tamil Nadu Land Encroachment Act, 1905; the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948; the Revenue Standing Orders (RSOs) issued by the Board of Revenue, Tamil Nadu; the Registration Act, 1908; the Specific Relief Act, 1963; and a body of judgments from the Privy Council, the Madras High Court, and the Supreme Court of India spanning from 1836 to 2025.

Secondary sources include legal commentaries, law review articles, bar association publications, the Glossary of Judicial and Revenue Terms in British India (1855), the Manual of Revenue Accounts (Madras Presidency), and academic critiques of the Tamil Nadu Patta system published in legal journals. The research adopts a critical approach, identifying not merely the current state of law but also examining inconsistencies, lacunae, and areas requiring legislative or judicial reform.

1.7 LIMITATIONS OF THE RESEARCH

This research does not undertake an empirical investigation of the actual use or perception of Patta among landholders, revenue officials, or litigants. Such an investigation, while valuable, falls outside the scope of a doctrinal paper. Further, the research is confined to Tamil Nadu and does not purport to provide a comprehensive analysis of land title law across India, though comparative references are made where illuminating.

1.8 FRAMEWORK OF STUDY

1.8.1 CHAPTER I – INTRODUCTION

Introduces Patta as a Tamil Nadu revenue record that is administratively essential yet judicially limited to evidence of possession, not title. Covers significance of study (legal, socio-economic, constitutional, and policy dimensions), literature review, objectives, research questions, pure doctrinal methodology, and the overall framework of the paper.

1.8.2 CHAPTER II – THE EVOLUTION OF LAND HOLDINGS IN TAMIL NADU

Traces Patta's historical journey across five eras: Pre-Colonial record-keeping on copper plates; British Raj's Ryotwari Settlement under Thomas Munro (direct ancestor of modern Patta); Post-Independence land reforms and zamindari abolition; Computerisation (1990–2000); and the current E-Patta era with GIS integration, Aadhaar linking, and online mutation.

1.8.3 CHAPTER III – STATUTORY FRAMEWORK GOVERNING PATTAs Analyses four key statutes: the Tamil Nadu Patta Pass Book Act, 1983 (Section 6 creating only prima facie, not conclusive, evidence of title); the Tamil Nadu Land Encroachment Act, 1905 (State sovereignty over public lands); the Tamil Nadu Estates Abolition Act, 1948 (quasi-judicial Pattas with near-title status); and the Registration Act, 1908 (registered documents prevail over Patta). Concludes that digitization changes form, not legal substance.

1.8.4 CHAPTER IV – TYPOLOGY OF PATTAs IN TAMIL NADU

Classifies seven Patta categories: Ryotwari (most common agricultural Patta); Natham/Manavari (residential sites; occupation alone confers no title); Post-Inam Abolition Ryotwari (closest to a title document); 2-C/Thoosi Patta (rights over trees only, not land); UDR Patta (computerisation-era successor); Building Patta (for constructed properties); and Natham Thoraya/Thuyya (temporary/permanent village site Pattas).

Notes the 2015 merger of Patta and Chitta into one document

1.8.5 CHAPTER V – PATTAs VS TITLE: THE CRITICAL LEGAL DISTINCTION

The doctrinal core of the paper. Title is an ownership right traced through registered instruments; Patta is a fiscal record that can be administratively altered inconsistent with title's indefeasibility. Three judicial distinctions: Patta is administrative, shows no chain of title, and cannot transfer property. Anchored in the Supreme Court's ruling in 1997 (7) SCC 137: "revenue entries neither create nor extinguish title."

1.8.6 CHAPTER VI – JUDICIAL TRENDS: A CRITICAL ANALYSIS

The most expansive chapter, covering colonial era foundations (Secretary of State v. Kasturi Reddi); Madras High Court decisions including the landmark 2025 Thirugnanam ruling; Supreme Court pronouncements; and contemporary trends (2015–2025) on forged Pattas and civil court primacy. Establishes the hierarchy: civil court determines title → revenue authority updates Patta → Patta creates only a rebuttable presumption. Also analyses Section 6, special Patta categories, systemic failures, and a comparative look at Khatauni, Satbara, Karnataka Khata, and the international Torrens system.

1.8.7 CHAPTER VII – CONCLUSION

Proposes five reforms: enact a Land Titling Act for conclusive title registration; amend Section 6 to codify its limited evidentiary scope; mandate cross-verification between Revenue and Registration departments; build an integrated digital land records platform; and launch a public legal literacy campaign. Concludes that closing the gap between the popular myth that "Patta equals ownership" and its legal reality as a fiscal record is a matter of urgent social justice.

CHAPTER II

THE EVOLUTION OF LAND HOLDINGS IN TAMIL NADU

2.1 INTRODUCTION

A **Patta** (also written *Pattā*, derived from the Sanskrit *paṭṭa*, meaning "strip" or "document")⁹⁶² is an official revenue record issued by the state government that establishes a person's legal ownership or occupancy rights over a piece of land. In practical terms, it is the primary document that answers the question: *who has the right to possess this land, and on what terms?* A Patta typically contains the owner's name, survey number, extent (area) of land, classification (wet, dry, or urban), nature of possession (freehold or leasehold), and any encumbrances or conditions attached⁹⁶³. It does not, by itself, constitute a title deed in the strict legal sense – that role belongs to the registered sale deed – but it is the foundational revenue record from which most land-related rights and entitlements flow⁹⁶⁴. Without a Patta, accessing government schemes, obtaining institutional loans, or defending ownership in court becomes extremely difficult⁹⁶⁵.

2.2 HISTORICAL EVOLUTION

2.2.1 PRE COLONIAL ROOTS

Land record-keeping in India predates the British by millennia. Under the Chola, Vijayanagara, and Mughal administrative systems, land grants were recorded on copper plates (*tamra patras*) and palm-leaf manuscripts⁹⁶⁶. The relationship between a cultivator and the land they tilled was already formally documented. Village accountants – called *karnam* in Tamil Nadu and *patwari* in northern India – maintained local registers of

landholdings, cropping patterns, and tax obligations⁹⁶⁷.

2.2.2 THE BRITISH RAJ: SYSTEMATIC REVENUE ADMINISTRATION

The British transformed ad hoc local record-keeping into a formal administrative apparatus, primarily to ensure reliable land revenue collection – the fiscal backbone of colonial governance⁹⁶⁸.

1. **Permanent Settlement (1793):** Lord Cornwallis fixed land revenue permanently in Bengal and parts of South India, creating *zamindars* as intermediary landlords⁹⁶⁹. This introduced a rigid hierarchical record system distinguishing the zamindar from the actual cultivator (*ryot*).
2. **Ryotwari Settlement (early 19th century):** Thomas Munro's ryotwari system, dominant in Madras and Bombay Presidencies, dealt directly with individual cultivators⁹⁷⁰. Each ryot's holding was surveyed, classified, and recorded, forming the direct ancestor of the modern Patta. The revenue settlement officers (*tahsildars*) issued individual Patta documents specifying each ryot's land, its assessed value, and the annual tax due.
3. **Survey and Settlement Operations:** Throughout the mid-to-late 19th century, systematic cadastral surveys mapped every field. The A-Register (Adangal) recorded cultivation details; the B-Register contained ownership details – together forming the village revenue record set that survives, in modified form, to this day⁹⁷¹.

⁹⁶² Monier-Williams, *A Sanskrit-English Dictionary* (1899), p. 578.

⁹⁶³ Government of Tamil Nadu, Department of Revenue and Disaster Management, *Citizen's Guide to Land Records* (2022).

⁹⁶⁴ *Suraj Bhan v. Financial Commissioner*, AIR 1975 SC 917; also *State of Haryana v. Mukesh Kumar* (2011) 10 SCC 404.

⁹⁶⁵ Planning Commission of India, *Report of the Committee on State Agrarian Relations and the Unfinished Task of Land Reforms* (2009), Vol. I, pp. 14–17.

⁹⁶⁶ Burton Stein, *Peasant State and Society in Medieval South India* (Oxford University Press, 1980), pp. 88–95.

⁹⁶⁷ Dharma Kumar, *Land and Caste in South India* (Cambridge University Press, 1965), pp. 21–24.

⁹⁶⁸ Eric Stokes, *The English Utilitarians and India* (Oxford University Press, 1959), p. 81. Stokes estimates that land revenue constituted over 50% of total British Indian government receipts through much of the 19th century.

⁹⁶⁹ Ranajit Guha, *A Rule of Property for Bengal* (Duke University Press, 1963), pp. 170–175. The Permanent Settlement of 1793 fixed zamindari obligations in perpetuity, creating a class of revenue intermediaries whose interests diverged sharply from those of cultivating ryots.

⁹⁷⁰ Thomas Munro, *Minute on the Ryotwari Settlement* (1807), reproduced in Alexander Arbuthnot, *Major-General Sir Thomas Munro: Selections from his Minutes* (London, 1881). The ryotwari principle was that the state and the cultivator would deal directly, without intermediaries.

⁹⁷¹ Revenue Divisional Manual, Government of Tamil Nadu (as revised 1988), Chapter IV, "Village Records." The A-Register (*Adangal* or Field Measurement Book) and the B-Register (Patta Register) remain the two primary village-level documents in the Tamil Nadu revenue system.

4. Land Revenue Codes: Presidency-level legislation – such as the *Madras Revenue Recovery Act (1864)* and various Land Encumbrance Acts – gave the Patta formal legal standing⁹⁷². Transfers of Patta required tahsildar approval, embedding it into the bureaucratic chain

2.2.3 POST INDEPENDENCE PERIOD (1947 – 1990)

After independence, land reform became a political and social priority. Abolition of zamindari, tenancy protection laws, and land ceiling legislation fundamentally altered who held Pattas.

1. Zamindari Abolition Acts (1950s): Across states, zamindari intermediaries were abolished and Pattas were issued directly to cultivating tenants who had previously been mere occupants – a revolutionary transfer of recorded rights to millions of farmers⁹⁷³.
2. Land Ceiling Acts (1960s–70s): Surplus land acquired from large holders was redistributed, often to landless labourers and Scheduled Caste/Scheduled Tribe communities, with fresh Pattas issued⁹⁷⁴. These "assigned land" Pattas frequently carried restrictions prohibiting sale or transfer – a source of legal disputes that persists to this day⁹⁷⁵.
3. Manual Records and Their Limitations: Through this entire period, Pattas existed as handwritten or typed entries in village registers maintained by the *Village Administrative Officer (VAO)*. The system was opaque and prone to tampering through forgery, duplicate entries, or

deliberate misfiling. Corruption at the tahsildar and VAO levels was widely documented⁹⁷⁶.

2.2.4. COMPUTERISATION ERA (1990 – 2000)

1. Computerization of Land Records (CLR) Scheme (1988–2008): Funded by the Central government, this scheme digitized textual data from village registers across India, laying the foundation for later reforms⁹⁷⁷.
2. CARD in Andhra Pradesh (1998): The Computer-Aided Administration of Registration Department was a landmark initiative that linked registration of sale deeds with revenue records, significantly reducing fraudulent transactions⁹⁷⁸.
3. Tamil Nadu's TNREGINET: Tamil Nadu progressively moved Patta transfers and certificate services online, reducing dependence on physical tahsildar visits and intermediary agents⁹⁷⁹.

2.2.5 THE E-PATTA ERA (2010– PRESENT)

The most transformative phase has been the shift to fully digital, publicly accessible land records integrated with spatial data.

1. E-Patta in Tamil Nadu: The Department of Revenue and Disaster Management now issues Pattas electronically through the TNLANDS portal and the e-Services platform. Citizens can apply for Patta transfer, view *chitta* (crop and cultivation details), and download their e-Patta. The document carries a unique QR code and reference number for instant verification⁹⁸⁰.

⁹⁷²Madras Revenue Recovery Act, 1864 (Madras Act II of 1864). For the broader legislative framework, see C. Hayavadana Rao, *The Madras District Gazetteers: Administration* (Government Press, Madras, 1921).

⁹⁷³For Tamil Nadu specifically, see the *Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948* (Madras Act XXVI of 1948), which transferred Patta rights to over two million cultivating tenants across the former zamindari estates.

⁹⁷⁴Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended in 1972. The Act set a ceiling of 15 standard acres per family for wet land.

⁹⁷⁵Government of Tamil Nadu G.O. Ms. No. 671, Revenue Department (dated 1974) and subsequent orders prohibit transfer, mortgage, or sale of land assigned under the land ceiling and panchami land schemes. Violations and disputes arising from these restrictions are extensively documented in Tamil Nadu Board of Revenue decisions.

⁹⁷⁶D. Bandyopadhyay, "Land Reforms in India: An Analysis," *Economic and Political Weekly*, Vol. 21, No. 25–26 (June 1986), pp. A-50–A-56. The article documents systematic falsification of village registers in multiple states to protect landlord interests during tenancy reform implementation.

⁹⁷⁷Ministry of Rural Development, Government of India, *Annual Report 2007–08*, Chapter on Computerisation of Land Records, pp. 62–65. The scheme was subsequently merged into the National Land Records Modernisation Programme (NLRMP) in 2008.

⁹⁷⁸Government of Andhra Pradesh, *CARD Project Report* (NIC, Hyderabad, 1999). Within one year of implementation, duplicate registrations dropped by an estimated 85% in pilot districts.

⁹⁷⁹Tamil Nadu e-Governance Agency (TNeGA), *Annual Report 2019–20*, pp. 38–42. TNREGINET handled over 1.2 crore document registrations electronically by 2020.

⁹⁸⁰Tamil Nadu Department of Revenue and Disaster Management, e-Services portal: <https://tnreginet.gov.in> and <https://eservices.tn.gov.in>. The QR-code authenticated e-Patta was introduced statewide in 2020–21.

2. DILRMP (Digital India Land Records Modernisation Programme): The Central government's umbrella scheme has driven all states toward a unified framework – single-window delivery, integration of registration and revenue records, and geo-referenced cadastral maps linked to ownership data⁹⁸¹.
3. Integration with Aadhaar and GIS: Recent initiatives link Patta records to Aadhaar for identity verification and to Geographic Information System (GIS) maps, unifying ownership data with spatial data. This makes boundary disputes easier to adjudicate and large-scale forgery significantly harder⁹⁸².
4. Online Mutation (Patta Transfer): What once required repeated office visits, agents, and informal payments can now be initiated online, tracked in real time, and completed with digital signatures – a fundamental shift in citizen-state interaction over land⁹⁸³.

CHAPTER III

STATUTORY FRAMEWORK GOVERNING PATTAS

3.1 THE TAMIL NADU PATTAS PASS BOOK ACT 1983.

Key Provisions of the Act

(i) Issuance of Patta Pass Book – Section 3

Section 3 of the Act constitutes the heart of the legislative scheme. It mandates the competent authority – defined under Section 2(b) as the Tahsildar having jurisdiction over the land – to issue a Patta Pass Book to every person who holds land as a pattadar within the State. The Pass Book is required to contain the survey number or sub-division number of the holding,

⁹⁸¹ Ministry of Rural Development, *DILRMP Guidelines* (2016, revised 2021). The programme targets 100% digitisation of cadastral maps, computerisation of sub-registrar offices, and real-time updation of land records in all states by 2025.

⁹⁸² NITI Aayog, *Draft National Land Reforms Policy* (2013, updated 2021 working paper), Section 4.3, "Technology and Land Governance." GIS-linked Patta records have been piloted in Tamil Nadu, Karnataka, and Odisha with measurable reductions in boundary disputes at the panchayat level.

⁹⁸³ World Bank, *Doing Business in India 2020: Registering Property*, pp. 44–47. The report notes that Tamil Nadu's online mutation system reduced average Patta transfer time from 45–90 days (manual) to under 15 days (online), with further improvements expected under DILRMP Phase II.

the extent and classification of the land, the nature of the pattadar's interest, and the amount of land revenue assessed. The Pass Book, in effect, consolidates and externalises the relevant entries in the official revenue records and places a copy thereof in the hands of the holder.

The use of the mandatory 'shall' in Section 3 is significant. It imposes a positive statutory obligation upon the revenue authority to issue the Pass Book, and the courts have held that denial or unreasonable delay in issuance is not merely an administrative lapse but a contravention of a statutory duty enforceable through a writ of mandamus before the Madras High Court.

(ii) Mutations and Pass Book Updation – Section 5

Section 5 of the Act addresses the critical question of mutations – the alteration of revenue record entries consequent upon transfer, inheritance, partition, court decree, or other lawful cause. The section requires that upon every such mutation being effected in the official revenue register, a corresponding entry shall be made in the Patta Pass Book of the affected holder, and where a new pattadar emerges, a fresh Pass Book shall be issued to that person. The provision is designed to ensure that the Pass Book at all times reflects the current state of the official revenue record, thereby depriving unscrupulous parties of any window to effect a secret mutation undetected by the genuine holder.

Critically, Section 5 also places an obligation on the transferee or person seeking mutation to produce the Pass Book of the transferor or existing pattadar before the mutation is registered. This requirement, though cumbersome in practice, serves as

an important safeguard: it ensures that the person whose name is sought to be removed from the revenue record has had, or has had the opportunity to have had, their Pass Book in the proceedings. In litigation, the production of

the Pass Book has been held by the courts to create a rebuttable presumption that the entries therein were made in the official course of duty and accurately reflect the revenue record as it stood at the relevant time.

(iii) Evidentiary Value – Section 7

Section 7 is the provision most directly relevant to the subject of this study. It declares that the entries in the Patta Pass Book shall, for purposes of revenue administration and all proceedings under the Act, be treated as evidence of the facts stated therein. The section, however, conspicuously refrains from declaring that the Pass Book or the Patta it evidences shall be conclusive proof of title to the land. This deliberate legislative restraint – mirroring the position of the general law – preserves the distinction between revenue record and civil title, leaving to courts the task of determining the probative weight of the Patta in any given title dispute.

The judicial interpretation of Section 7 has been a recurring theme in Madras High Court judgments. Courts have consistently held that while the Patta Pass Book entries carry evidentiary value and create a prima facie presumption in favour of the registered pattadar, they do not operate as estoppel against a party with a superior title established through documentary evidence or long and unbroken possession. The Act, in the judicial view, reinforces the revenue character of the Patta without elevating it to the status of a title deed.

3.2 THE TAMIL NADU LAND ENCROACHMENT ACT 1905.

Legislative Object and Scope

The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) is among the oldest statutes in the State's land law corpus, predating independence by four decades. Enacted during the colonial administration of the Madras Presidency, the Act was designed to protect public lands poromboke, government wastelands, river beds, foreshores, and other

State-owned properties from unauthorised occupation. The significance of the Act for present purposes lies in the nexus it creates between the absence of a valid Patta and the legal status of an occupant as an encroacher.

The Act proceeds from a foundational premise: land in the State is presumed, in the absence of evidence to the contrary, to belong to the Government. This presumption, sometimes described as the doctrine of regalian right in the Indian context, places the burden upon any private claimant to establish that land has been validly transferred or assigned out of government ownership. In this framework, the Patta assumes critical importance: a valid Patta, duly issued by the competent revenue authority, constitutes the primary evidence that the State has recognized the holder's occupancy as lawful and has assessed land revenue in respect thereof. The absence of a Patta, conversely, is treated by revenue authorities as a powerful indicator of encroachment.

Operative Provisions

(i) Section 3 – Removal of Encroachers

Section 3 of the Act empowers the Collector to remove any person from land belonging to the Government, a local authority, or a religious or charitable institution whose income is under Government management, without the intervention of a court, subject to the procedure prescribed by the Act. The provision is extraordinary in its scope: it vests an executive authority with what is, in substance, a power of dispossession – a power that would ordinarily require a civil decree.

The exercise of power under Section 3 has been extensively litigated. Courts have consistently held that while the provision is penal in character and must be strictly construed, it is not unconstitutional, since the initial burden lies on the Government to establish that the land in question is public land before the power of removal can be invoked. In numerous cases, the production of a valid Patta by the occupant has

successfully arrested proceedings under Section 3, the Courts holding that the existence of a Patta raises a presumption – not irrebuttable, but substantial – that the land has been validly assigned out of government ownership and that the occupant is not an encroacher within the meaning of the Act.

(ii) Section 7 – Burden of Proof

Section 7 of the Act addresses the evidentiary burden in proceedings under Section 3. It provides that in any inquiry under the Act, it shall be presumed, unless the contrary is shown, that land not entered in the registry as the property of any person belongs to the Government. This provision inverts the ordinary civil law burden and places upon the occupant the obligation to produce documentary or other evidence establishing a lawful claim. The Patta, as a revenue record entry, is the most commonly produced document in discharge of this burden.

The courts have, however, been careful to distinguish between the Patta as discharge of the burden under Section 7 and the Patta as conclusive proof of title. A Patta may suffice to rebut the Section 7 presumption i.e., to show that the land is entered in the revenue records as the occupant's without necessarily establishing an indefeasible title against all comers. This distinction, though nuanced, is of considerable practical importance in cases where the Government contests the validity of the Patta itself on grounds of fraud, mistake, or grant in excess of authority.

3.3 THE TAMIL NADU ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948

The Abolition of Zamindari and Its Significance for Patta

The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) is, in terms of its transformative impact on land rights, arguably the single most consequential land legislation in the State's history. Its relevance to the Patta question is direct and profound: the Act converted millions

of acres of zamindari estate land into ryotwari holdings, and the process of ryotwarisation generated a massive new corpus of Patta documents, each conferring upon former estate tenants and ryots the legal status of pattadars directly holding from the State. Understanding the 1948 Act is therefore essential to understanding the legal character of a large proportion of the Pattas that come before courts in Tamil Nadu today.

Prior to the abolition, land within the 'estates' as defined under the Madras Estates Land Act, 1908 was held under a dual-layered tenure: the Zamindar (or other intermediary) held from the Crown under a permanent settlement or analogous arrangement, and the cultivating ryot held from the Zamindar under a variety of tenancy forms. The cultivating ryot had no direct revenue relationship with the State and, consequently, no Patta – the revenue document that presupposed exactly such a direct relationship. The abolition of the intermediary tier created the structural precondition for the issuance of Pattas to former tenants.

3.4 REGISTRATION ACT, 1908 AND ITS INTERFACE WITH PATTAs

The Registration Act, 1908 – A Brief Overview

The Registration Act, 1908, a Central legislation applicable throughout India, governs the registration of documents affecting immovable property. Its interface with the Patta is one of the most litigated and conceptually important areas in Tamil Nadu land law. The central provision governing the legal effect of registered documents is Section 17, which mandates registration of instruments of sale, gift, exchange, mortgage with possession, and lease for periods exceeding one year in respect of immovable property. Section 49 of the Act declares that an unregistered document required to be registered shall not affect any immovable property, nor shall it be received as evidence of any transaction affecting such property.

The Patta, it must be noted from the outset, is not a document of transfer. It is not an instrument executed by one party in favour of another in respect of immovable property. It is, rather, a revenue record – a unilateral administrative document issued by a State official, namely the Tahsildar, recording the name of the registered occupant of a survey holding in the land revenue system. As such, the Patta is not required to be registered under the Registration Act, and its absence from the registration process has been advanced by courts as one of the reasons why it cannot be accorded the legal effect of a registered title deed under Section 17.

3.5 The Digital Patta – Evidentiary Implications

The introduction of the PATA-CHITTA portal by the Tamil Nadu Government – providing online access to computerised revenue records – and the consequent practice of litigants producing computer-generated extracts of Patta data in court have raised new questions about the evidentiary admissibility and weight of such extracts. Section 65B of the Indian Evidence Act, 1872 prescribes the conditions under which computer output constitutes admissible secondary evidence. Courts have held that a digitally generated Patta extract produced without a Section 65B certificate is inadmissible as evidence of the entries in the revenue record, thereby reaffirming the requirement of formal compliance with evidentiary rules even in the age of e-governance.

CHAPTER VI

JUDICIAL TRENDS: A CRITICAL ANALYSIS

6.1 Colonial Era Jurisprudence (Pre-1947)

The colonial courts laid the foundational principles on which subsequent Indian jurisprudence on Patta and title has been built. These early decisions reflect a clear-eyed understanding of the fiscal nature of the ryotwari Patta.

Secretary of State v. Kasturi Reddi⁹⁸⁴ Justice Bhashyam Ayyangar held that Patta issued by the Government in respect of ryotwari lands is mainly intended to give information about the amount of revenue payable and the instalments by which it is to be paid. The court refused to treat the Patta as a document conveying title, confining its legal significance to the revenue domain. This is perhaps the earliest and most authoritative colonial-era statement of the principle that Patta does not equal title.

Freeman v. Fairlie⁹⁸⁵ This early Privy Council decision, though not directly about Tamil Nadu Patta, established the principle that government records of land revenue are evidence of occupation and fiscal accountability, not instruments of property law.

Srinath Rai v. Pratap Udai Nath Sahi Deo⁹⁸⁶ The court in this decision drew a clear distinction between revenue recognition and legal title, reinforcing that government entries in land revenue records create no more than a rebuttable presumption of possession and revenue liability.

6.2 Post-Independence Madras High Court Decisions

Post-independence jurisprudence of the Madras High Court has extensively developed and refined the legal status of Patta, consistently holding that it does not constitute conclusive proof of title while recognising its evidentiary weight on the question of possession.

Smt. Annammal v. Amavasai (Madras High Court) This decision is the leading modern authority from the Madras High Court on the question of Patta and title. The court confirmed that Patta alone cannot determine ownership rights. The ruling established that legal ownership must be established through valid title documents supported by a clear chain of ownership. The judgment has been widely cited

⁹⁸⁴ ([1903] 26 Mad. 268)

⁹⁸⁵ (1836)

⁹⁸⁶ (1923)

in subsequent Madras High Court decisions and is considered authoritative on the proposition that Patta by itself is not proof of ownership.

*Sankaran v. Rajamma*⁹⁸⁷ While a Kerala High Court decision, this case has been relied upon extensively by the Madras courts for its formulation that although Patta is never conclusive evidence of title or possession, it certainly should be given due weight in considering the question of possession. Mutation in the registry is not without any significance. This formulation captures the nuanced legal status of Patta: significant on possession, irrelevant to conclusive title.

*Thirugnanam and Rajavel v. Tamil Nadu HR & CE department*⁹⁸⁸. In this recent landmark decision, Justice N. Anand Venkatesh of the Madras High Court directly addressed the conflict between title documents and revenue records. The court held that the fact that a Patta, for a particular period of time, stood in the names of the temples, by itself, will not take away the right of the individuals who purchased the same and who traced their title based on the documents of the years 1896 and 1910. The court quashed the District Revenue Officer's order cancelling Pattas, and directed that the temples must approach a competent civil court to establish their claim rather than seek administrative intervention.

6.3 Supreme Court Pronouncements

The Supreme Court of India has addressed the question of Patta and title in several decisions, consistently maintaining the position that revenue records have only a prima facie and fiscally limited evidentiary value. *S. Thenappa Chettiar v. State of Tamil Nadu*⁹⁸⁹.

The Supreme Court, following *Khajamian Wakf Estates v. State of Madras*⁹⁹⁰, dealt with the expression 'estate' under Article 31A and confirmed that ryotwari lands fall within the constitutional protection of agrarian reform

legislation. This decision, while principally about constitutional validity, implicitly confirmed the character of ryotwari Patta as a revenue document within the framework of land revenue administration.

In its 1997 (7) SCC 137 decision, the Supreme Court unequivocally held that revenue entries neither create nor extinguish any presumptive value of title, and that subjectively, revenue records are meant only for fiscal purposes. This formulation has become the locus classicus of the principle that Patta is not title.

The Supreme Court in 2021 (11) SCC 98, discussing Section 14 of the Tamil Nadu Patta Pass Book Act, clarified that the bar on suits against revenue authorities is not an absolute bar, and the right to approach civil courts for declaration is expressly preserved by the proviso to Section 14.

6.4 Contemporary Judicial Trends (2015–2025)

The decade 2015–2025 has seen a significant refinement of judicial thinking on Patta and title, reflecting both the persistence of land disputes in Tamil Nadu and the increasing sophistication of legal challenges involving forged Patta documents, encroachment on government lands, and conflicts between private title and revenue entries.

*Tahsildar, Sankarapuram v. T. Elumalai*⁹⁹¹. The Madras High Court's Division Bench in this June 2025 decision delivered a comprehensive analysis of Natham land ownership. The court held that no person can occupy Natham land and declare himself as owner against the right of other subjects under sovereign authority. The court emphasised that the State, as sovereign authority, is the owner of all lands declared under Section 2 of the Tamil Nadu Land Encroachment Act, 1905. The decision also dealt extensively with the effect of forged Patta documents, holding that Pattas issued based on fabricated documents are void.

⁹⁸⁷ (AIR 1975 Ker 155)

⁹⁸⁸ (W.P. No. 11727 of 2018; Madras High Court, March 10, 2025)

⁹⁸⁹ (AIR 1986 SC 1117)

⁹⁹⁰ (AIR 1971 SC 161)

⁹⁹¹ (W.A. No. 1014 of 2025, Madras High Court)

The court also provided a detailed analysis of the historical evolution of Natham land administration from the colonial period to the present day, tracing its roots to the Glossary of Judicial and Revenue Terms in British India (1855) and the text on Land Tenures in the Madras Presidency by S. Sundararaja Iyengar (1933).

A notable contemporary trend is the increasing judicial attention to the problem of forged and fraudulent Patta documents. Tamil Nadu courts have been confronted with cases where Survey numbers have been manipulated, Patta Pass Books altered, and Transfer of Registry entries backdated to create false chains of revenue recognition. Courts have responded by emphasising that even where Patta exists, its issuance based on forged documents renders it void and without legal effect.

Another significant trend is the judicial reinforcement of the principle that civil courts, not revenue authorities, must resolve title disputes. This was confirmed in multiple 2021 decisions reported in 2021 (2) LW 15 (Mad) and 2021 (5) LW 99 (Mad), which held that a mandatory injunction simpliciter against revenue authorities for amending Patta entries is not maintainable; the remedy is a declaratory suit under the Specific Relief Act, 1963, followed by amendment of Patta entries in conformity with the court decree.

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suit under the Specific Relief Act, 1963, followed by amendment of Patta entries in conformity with the court decree.

6.6 EVIDENTIARY VALUE OF PATTA: SECTION 6 OF THE PATTA PASS BOOK ACT ANALYSED

Section 6 of the Tamil Nadu Patta Pass Book Act, 1983, provides that entries in the Patta Pass Book shall be prima facie evidence of title. This provision has been the subject of considerable judicial analysis, and courts have identified important nuances in its application.

First, the Madras High Court in 2021 (2) CTC 143 clarified that the presumption under Section 4 of the Act as to the correctness of entries is limited to entries made after an enquiry under Sections 3(3) to 3(7) of the Act. On the other hand, the prima facie evidentiary value under Section 6 is available only against entries made in consequence of alienation or transfer effected under Section 5 of the Act. This is an important distinction: entries made administratively under Section 3 carry a presumption of correctness, while entries made pursuant to registered alienation under Section 5 carry prima facie evidentiary weight as to title.

Second, the courts have consistently held that the word 'prima facie evidence of title' in Section 6 is not to be read as conclusive evidence of title. It creates a rebuttable presumption that can be displaced by evidence of superior title: a registered sale deed, a decree of partition, a testamentary document, or an award under land acquisition or settlement proceedings.

Third, there is an important distinction between prima facie evidence of title and prima facie evidence of possession. Courts have sometimes characterised the value of Patta as going to possession rather than title—a Patta holder has prima facie evidence that he is the person in possession and revenue-responsible, but not that he has indefeasible ownership.

Fourth, the Section 6 presumption is inapplicable when the Patta itself has been issued on the basis of forged or fabricated

documents. In such cases, the Patta is void ab initio, and no evidentiary presumption in favour of its holder can be maintained.

The LinkedIn critique of the Act by Advocate Thiyaagu Ganesan, published in a widely-circulated legal analysis, correctly observes that there is a common misconception over the wording in Section 6, as it employs the phrase 'prima facie evidence', whereas the courts have repeatedly held that it confers prima facie value of possession and not conclusive evidence of title. This nuance is critical for practitioners and is unfortunately not clearly communicated in the text of the Act itself.

CHAPTER VII

CONCLUSION

7.1 CONCLUSION

This doctrinal research paper has undertaken a comprehensive critical analysis of the legal status of Patta as evidence of land title under Tamil Nadu law. The following conclusions emerge from the analysis:

Patta, in Tamil Nadu, is a fiscal instrument of the Revenue Department, designed to identify the person from whom land revenue is to be collected and the land in respect of which it is assessed. It is not, and has never been, a title document in the jurisprudential sense. Section 6 of the Tamil Nadu Patta Pass Book Act, 1983 creates a rebuttable presumption of title in favour of the Patta holder, characterised as prima facie evidence. This presumption is limited in scope, extends primarily to possession rather than ownership, and is displaced by superior title documents. The Madras High Court and the Supreme Court of India have, over more than a century of consistent jurisprudence, maintained that Patta is not conclusive proof of title. The most recent articulation of this principle is the Madras High Court's 2025 decision in *Tahsildar, Sankarapuram v. T. Elumalai* and the 2025 decision in *Thirugnanam v. HR & CE Department*. Revenue authorities in Tamil Nadu lack jurisdiction to adjudicate title

disputes. Such disputes must be resolved by competent civil courts, whose decrees are then reflected in the Patta entries. The Patta follows the title; the title does not follow the Patta. Special categories of Patta—particularly Ryotwari Pattas issued under the Tamil Nadu Inam Estates Abolition Act, 1948, following a quasi-judicial settlement process—occupy a position closer to title documents and are treated with heightened evidentiary weight by courts. Significant systemic failures persist: the administrative vulnerability of Patta issuance to fraud, the popular misconception that Patta equals title, the absence of a unified land records system, and inconsistency in judicial application at subordinate court levels. Reform is urgently needed, including a comprehensive Land Titling Act establishing conclusive title registration, amendment of Section 6 of the Patta Pass Book Act to codify its limited evidentiary scope, integration of Revenue and Registration records, and public legal literacy initiatives. The gap between the popular understanding of Patta as ownership and its legal reality as a fiscal record represents one of the most consequential legal misconceptions in Tamil Nadu's land economy. Addressing this gap—through law reform, judicial consistency, and public education—is not merely an academic exercise but a matter of social justice for the millions of landowners and land-seekers in Tamil Nadu whose rights are daily endangered by this confusion.

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