

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19739/2016

M.Seenu @ Natarajan

..Petitioner

Vs.

1.The Secretary,
Union of India,
Government of Pondicherry.

2.The Sub Registrar,
Oulgaret, Pondicherry.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to give guideline value of the petitioner's property situated at Village No.35, at Oulgaret village, land measuring 13000 sq.ft. consists of plot Nos.4,5,6,7,8,9,10,11,12 and 13 and land measuring 6400 sq.ft. consists of Plot Nos.25, 26,27 and 28 comprised in Survey No.230/2, Cadastre No.1122, 1122 Bis, so as to enable him to convey/mortgage the property.

For Petitioner : Mr.R.Sreedhar

For RR 1&2 : Mrs.Reena Iswariya, AGP [Pondy]

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he had purchased the lands measuring to an extent of 13000 sfq.ft. consists of Plot Nos.4 to 13 of Oulgaret village, Puducherry, comprised in Survey No.230/2, Cadastre No.1122 and 1122 Bis from one S.V.Shanmugam, through his Power of Attorney Agent, vide registered Sale Deed bearing Document No.1517/1998 dated 31.03.1998 [O/o.The Sub Registrar, Oulgaret]. The petitioner would further state that he had also purchased lands admeasuring to an extent of 6400 sq.ft. consists of Plot Nos.25 to 28 of the same village comprised in Re-Survey No.230/2, Cadastre No.1122 and 1122 Bis from the very same person, by a registered Sale Deed bearing Document No.2755/1999 dated 31.03.1999 [O/o.The Sub Registrar, Oulgaret]. It is the case of the petitioner that since he is

in urgent need of funds, he wants to mortgage the property in favour of a Nationalised Bank and in favour of some other third party and for that purpose, he approached the 2nd respondent number of times for furnishing the guideline value mentioned in the Guideline Register. Since the said information has not been furnished to the petitioner, he has submitted a representation dated 04.04.2016 to the respondents and since no response is forthcoming, he came forward to file this writ petition.

3 The learned counsel for the petitioner would submit that in the light of the earlier order of this Court dated 17.03.2015 made in WP.No.18545/2015 [M.Sumathi Vs. Union of India, represented by the Secretary, Government of Puducherry and another], there cannot be any impediment in issuing a positive direction to the 2nd respondent to furnish the guideline value.

4 Per contra, Mrs.Reena Iswariya, learned Additional Government Pleader, who accepts notice on behalf of the respondents would submit that since the lands in question were covered under the Land Ceiling Act, the remedy open to the petitioner is to file a declaration under Form-16, so that necessary orders can be passed in accordance with law.

5 This Court considered the rival submissions.

6 Though the petitioner prayed for a larger relief, this Court, in the lights of the facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit one more representation to the 2nd respondent by enclosing a copy of this order as well as the earlier representation dated 04.04.2016 and also a copy of the order of this Court dated 17.03.2015 made in WP.No.18545/2015 within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, shall consider and dispose of the same on merits and in accordance with law, after putting on notice the persons concerned, within a further period of six weeks thereafter. communicate the decision taken, to the petitioner as well as the persons concerned.

7 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

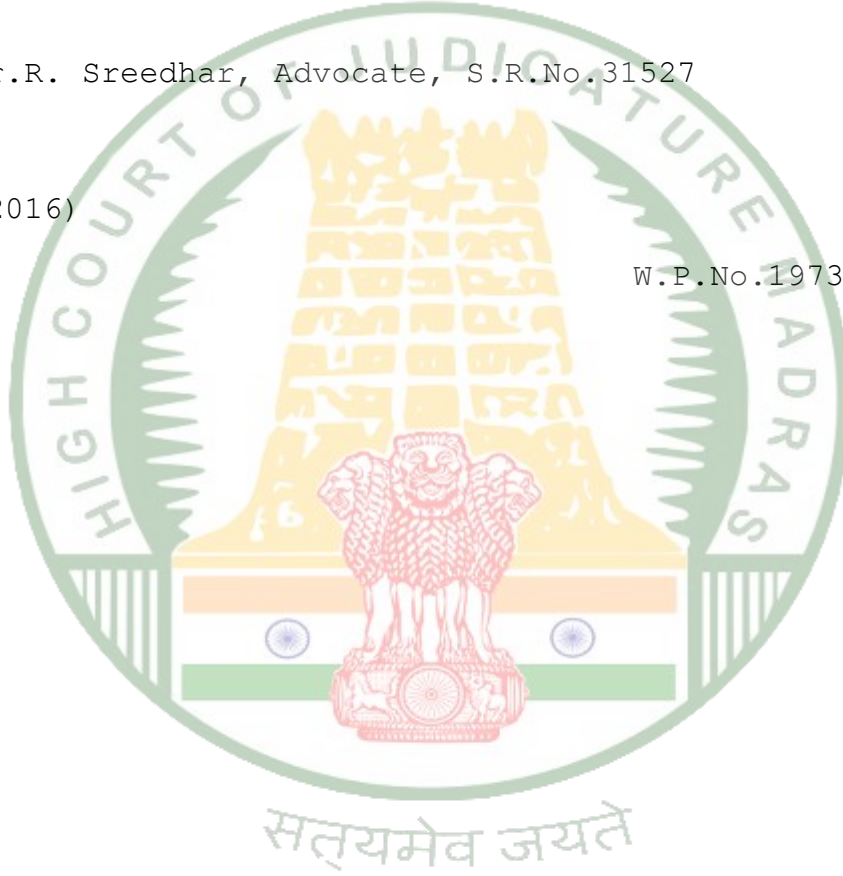
1.The Secretary,
Union of India,
Government of Pondicherry.

2.The Sub Registrar,
Oulgaret, Pondicherry.

+1cc to Mr.R. Sreedhar, Advocate, S.R.No.31527

SR(CO)
EU(21/06/2016)

W.P.No.19739 of 2016



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