

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.940 of 2016

S.Camaradje

.. Petitioner

Vs.

1. The Director,
Department of Survey and Land Records,
II Floor, Revenue Complex,
Saram, Puducherry.

2. The Settlement Officer-I,
Department of Survey and Land Records,
II Floor, Revenue Complex,
Saram, Puducherry.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to dispose of the Settlement Petition filed on 15.09.2012 and subsequent reminders, dated 02.07.2013, 10.10.2014 and lastly filed on 15.12.2014 in accordance with the Puducherry Settlement Act, 1970 and the Settlement Rules to rectify the bona-fide error, i.e. error on the face of the records.

For Petitioner : Mr.P.Suresh

For Respondents : Mrs.Reena Iswariya,
Addl.G.P. (Pondicherry)

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to dispose of the Settlement Petition filed on 15.09.2012 and the subsequent reminders, dated 02.07.2013, 10.10.2014 and lastly filed on 15.12.2014 in accordance with the Puducherry Settlement Act, 1970 and the Settlement Rules to rectify the bona-fide error, i.e. error on the face of the records.

2. It is the case of the petitioner that the property comprised in R.S.No.224/2, Old Survey No.1719 pt. and 1720 of an extent of 2.54.00 Hectares, Thattanchavady Revenue Village, Oulgalret Municipality, Puducherry, is the petitioner's ancestral property and is under the petitioner's family with constructive uninterrupted possession and enjoyment till date. The petitioner's ancestor, namely Veerasamy Naicker, son of Muniappa Naicker, was in possession of the said property as per the Deed No.13, R.V.No.167, dated 02.01.1956. When the petitioner approached the District Registrar of the Registration Department, Puducherry for execution of the partition deed, release deed, etc., in order to settle the property within the legal heirs of Veersamy Naicker for the purpose of independent enjoyment and ownership of the said land(s), the District Registrar informed that the patta stands erroneously in some other person's name and the same has to be rectified/corrected by filing a Settlement Petition under Section 23(1) of the Puducherry Settlement Act, 1970. Hence, the petitioner filed a Settlement Petition, dated 15.09.2012 before the respondents-authorities for correction of the bona-fide mistake that had crept in, in the Revenue Records in accordance with the provisions of the said Act, by enclosing documents. The petitioner thereafter sent reminders on 02.07.2013, 10.10.2014 and lastly on 15.12.2014 to the said authorities. Since no action is taken, the petitioner has approached this Court by filing the Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the above factual aspects of the matter, this Court, without going into merits of the case, directs the respondents to consider the said Settlement Petition of the petitioner, dated 15.09.2012, followed by reminders dated 02.07.2013, 10.10.2014 and lastly on 15.12.2014, to conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

CS

To

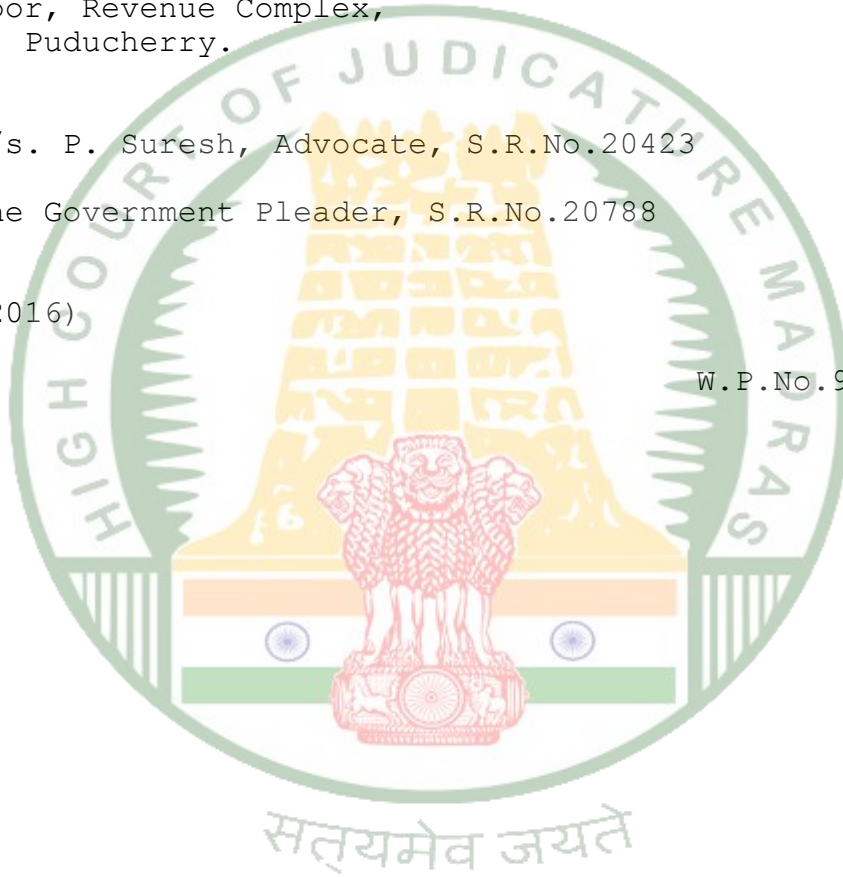
1. The Director, Department of
Survey and Land Records,
II Floor, Revenue Complex,
Saram, Puducherry.
2. The Settlement Officer-I,
Department of Survey and Land Records,
II Floor, Revenue Complex,
Saram, Puducherry.

+1cc to M/s. P. Suresh, Advocate, S.R.No.20423

+1cc to the Government Pleader, S.R.No.20788

SAI (CO)
EU (15/04/2016)

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