

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 12.09.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.18635 of 2004**

S.Sarvolthaman

... Petitioner

Vs.

1.The Union Territory of Pondicherry
Rep. by the Chief Secretary,
Pondicherry.

2.The Director of Survey Land Records
and Settlement,
Pondicherry.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to proceedings No.11703/ST-1/E-5/2000 dated 17/09/2003 on his file, quash the same and direct him to reconvey the lands in T.S.No.10 (Paimash Nos.1152, 1153 and 1156) in Ward B, Block No.22, Kurusukuppam Village, Pondicherry to the petitioner or pay him compensation for the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.B.Nambiselvan

Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order of

the second respondent dated 17.09.2003, wherein, his request claiming ownership of the lands in T.S.No.10 (Paimash Nos.1152, 1153 and 1156) in Ward B, Block No.22, Kurusukuppam Village, Pondicherry was rejected.

2.The brief facts leading to this writ petition are as follows: The petitioner claiming himself as owner of the property in T.S.No.B/22/10 in Pondicherry revenue village in order to ascertain his ownership, made a representation dated 17.12.2000 to the Chief Secretary, Government of Pondicherry and a copy of the said representation was sent to the Director of Survey and Settlement, Pondicherry, stating that the T.S.No.B/22/10, Kurusukuppam Village, Pondicherry was owned by the petitioner. The second respondent through the impugned order rejected his claim.

3.The learned counsel appearing for the petitioner would submit that during the survey carried out by the Pondicherry Government in the year 2000, the petitioner's land was classified as Government land and patta was given to third parties. Aggrieved by the same, the petitioner made a representation to the Chief Secretary, Government of Pondicherry and a copy of the said representation was sent to the Director of Survey and Settlement, Pondicherry. After receipt of the

representation, the first respondent forwarded the letter to the second respondent/ the Director of Survey Land Records and Settlement. The second respondent passed the impugned order without considering the documents filed by the petitioner. Hence, he prayed to remand the matter to the original authority for fresh adjudication after considering the documents produced by the petitioner.

4.The learned Additional Government Pleader appearing for the respondents would submit that there is a revisional power available under the Settlement Act. Without exercising the alternative remedy, approaching this Court by way of writ petition is not sustainable.

5.Heard both sides and considered the rival submissions made on either side.

6.Perusal of the impugned order discloses that the petitioner filed five documents which are received from the public authority of the Pondicherry Government and the second respondent without considering the said documents and without discussing about the facts and materials filed by the petitioner arrived at a conclusion that the petitioner has not adduced any original documents in support of his claim and rejected the representation. None of the documents filed

by the petitioner were discussed in the impugned order.

7. Accordingly, this Court is satisfied that there is a substance in the claim of the petitioner. Hence, I am inclined to remand the matter back to the second respondent for fresh consideration. Accordingly, the matter is set aside and remanded back to the second respondent for fresh consideration. The second respondent after giving reasonable opportunity to the petitioner including the rival claimants, if any, shall decide the claim afresh.

8. The writ petition is disposed of with the above directions. No costs.

12.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

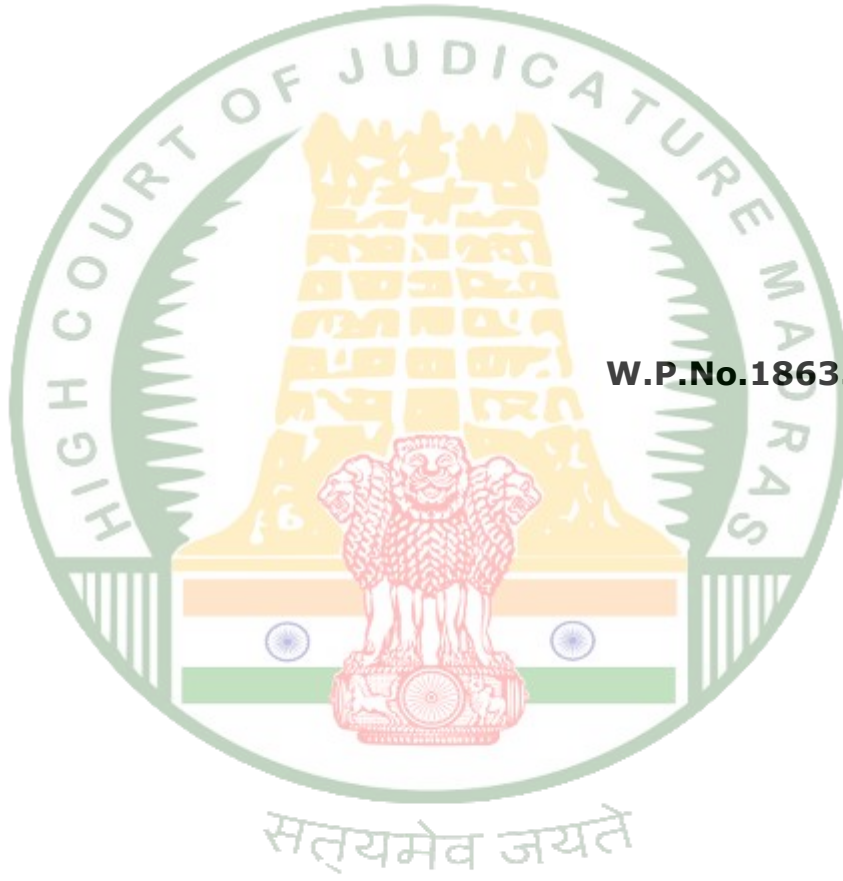
Internet: Yes/ No

To

1. The Union Territory of Pondicherry
Rep. by the Chief Secretary,
Pondicherry.

2. The Director of Survey Land Records
and Settlement,
Pondicherry.

M.DHANDAPANI,J.
pri



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