

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.34244 of 2018

Lakshmi

...

Petitioner

Versus

1. The District Collector,
Puducherry.

2. Thavaputhalvan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to dispose of the Settlement Appeal No.6 of 2016 on the file of the District Collector, Puducherry.

For Petitioner : Mr.R.Thiagarajan

For R1 : Mr.D.Ravichander
Additional Government Pleader (Pondy)

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking for issuance of writ of mandamus to direct the first respondent to dispose of the Settlement Appeal No.6 of 2016 on the file of the District Collector, Puducherry.

3. It is the case of the petitioner that the property situated in RS No.166/6 in Pandasozhanur Revenue Village, Nettapakkam Commune, Puducherry, was registered on 28.01.1925 through the registered French Notarial Partition deed, dated 23.11.1924. As per the document, the petitioner's father-in-law, namely, Krishnasamy Counder and his two brothers got 1/3rd equal share in the property to the total extent of 66 Kuzhies, 6 Veesam of which, Kumarasamy's share was also given to the petitioner's father-in-law. The petitioner's husband was the only son of Krishnasamy Counder and he also died on 22.12.1986.

Since then, the petitioner is in possession and enjoyment of 44 Kuzhies 4 Veesam in RS No.166/6. As the patta was wrongly changed for the entire extent of the property in the above said survey number in the name of the second respondent, the petitioner was constrained to file Settlement Appeal under Section 23(3) of the Pondicherry Settlement Act before the first respondent. The prayer in the said appeal was to make necessary correction by sub dividing and transferring the patta for the said property in the petitioner's name, but the same is pending before the first respondent. Therefore, the mandamus is sought for.

4. Heard, Mr.R.Thiagarajan, learned counsel appearing for the petitioner and Mr.D.Ravichander, learned Additional Government Pleader (Pondy) appearing for the first respondent.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court directs the first respondent to dispose of the Settlement Appeal filed by the petitioner dated 20.01.2016 on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner, second respondent as well as the persons interested in this regard, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

To

The District Collector,
Puducherry.

+1cc to Mr.R.Thiagarajan, Advocate, sr.89241
+1cc to Government Pleader sr.no.89818

W.P.No.34244 of 2018

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