

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:07.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.22901 of 2019

R.Srinivasan

.. Petitioner

/versus/

1.The Union of India,
Rep.by the Chief Secretary to Puducherry,
Government of Puducherry,
Puducherry.

2.The Director,
Directorate of Land and Survey Records
Puducherry Revenue Department,
Revenue Complex, Saram,
Puducherry.

3.The Settlement Officer-II,
Directorate of Survey & Land Records,
Revenue Complex, Saram,
Puducherry.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to dispose of representation dated 22.11.2018 of the proceedings pertains to correction of mistaken entries found in the settlement records in respect of land in R.S.No.204/7 of Bahoor Revenue Village, which was remanded back to him by the second respondent through order dated 13.11.2018 made in appeal No.4 of 2018, within time frame as may be fixed by this Court.

For Petitioner :Mr.Prakash Adiapadam

For Respondents :Mr.A.V.Ramalingam,
AGP (P)
for R1 to R3

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the 3rd respondent to dispose of representation dated 22.11.2018 of the proceedings pertains to correction of mistaken entries found in the settlement records in respect of land in R.S.No.204/7 of Bahoor Revenue Village, which was remanded back to him by the second respondent through order dated 13.11.2018 made in appeal No.4 of 2018, within time frame as may be fixed by this Court.

2.The petitioner herein aggrieved by the entry made in the settlement records in respect of the land in R.S.No.204/7 of Bahoor Revenue Village, has approached the revenue authorities to rectify the error.

3. According to the petitioner, the land which belongs to him has been classified as "Government poromboke held by Masudi" in the settlement records. Hence, he made a representation to correct the error. Whereas the Settlement Officer vide his proceedings dated 01.08.2012, after enquiry rejected the representation of the petitioner holding that the representation is made after lapse of more than 30 years. Whereas the Secretary of Puducherry State Wakf Board also claims the property. In such circumstances, any modification to be made in the records, it can be only done through order of the Civil Court under the provisions of Section 12(1) of the Pondicherry Survey and Boundaries Act, 1967.

4.Thereafter, the petitioner, after the above said order, has preferred civil suit before the Additional Munsif Court, Puducherry in O.S.No.1627 of 2012 seeking direction to alter the entry in the settlement records. The said suit was dismissed on 18.03.2016 with observation that the plaintiff/petitioner herein has the right under Section 23(i)(a) of the Settlement Act to apply to the second respondent for correcting the earlier order.

5.Therefore, the petitioner herein has again approached the second respondent in A.No.4 of 2018 seeking rectification of the error in the revenue records. After hearing the petitioner, the 2nd respondent/Settlement Director has reverted back the appeal papers to the Settlement Officer-II to pass necessary orders. Pursuant to the said order dated 13.11.2018, the petitioner has preferred fresh application for correction of the records to the Settlement Officer-II on 22.11.2018. Since there is no progress in his representation, the petitioner now had approached this Court seeking Mandamus to direct the third

respondent to dispose of his representation dated 22.11.2018.

6. In the Counter filed by the third respondent, it is stated that the representation of the petitioner herein has been taken up for enquiry and due to general election, it could not be disposed of immediately. But, as of now, the 3rd respondent has called for report from the Chief Executive Office, Puducherry, State Wakf Board and the Commissioner, Hindu Religious Institutions and Wakf Board, Puducherry regarding the application preferred by the petitioner.

7. From the records, this Court finds that besides the revenue record, where the subject property is shown as Government poramboke held by "Masudi", during the course of enquiry before the Settlement Officer, the representative of the Wakf Board has also made counter claim in respect of the property.

8. In such circumstances, it is fair enough to hear the Wakf Board and other stakeholders before passing order on the representation of the petitioner. However, such consideration and enquiry should be within the reasonable time. As far as the case of the petitioner is concerned, he is agitating his right since 2012 and so far the issue has not reached finality.

9. Taking into consideration of the above fact and the counter affidavit filed by the third respondent, this Court directs the third respondent herein to complete the enquiry within a period of eight weeks from the date of receipt of the copy of this order.

10. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1.The Chief Secretary to Government of Puducherry,
The Union of India,
Government of Puducherry,
Puducherry.

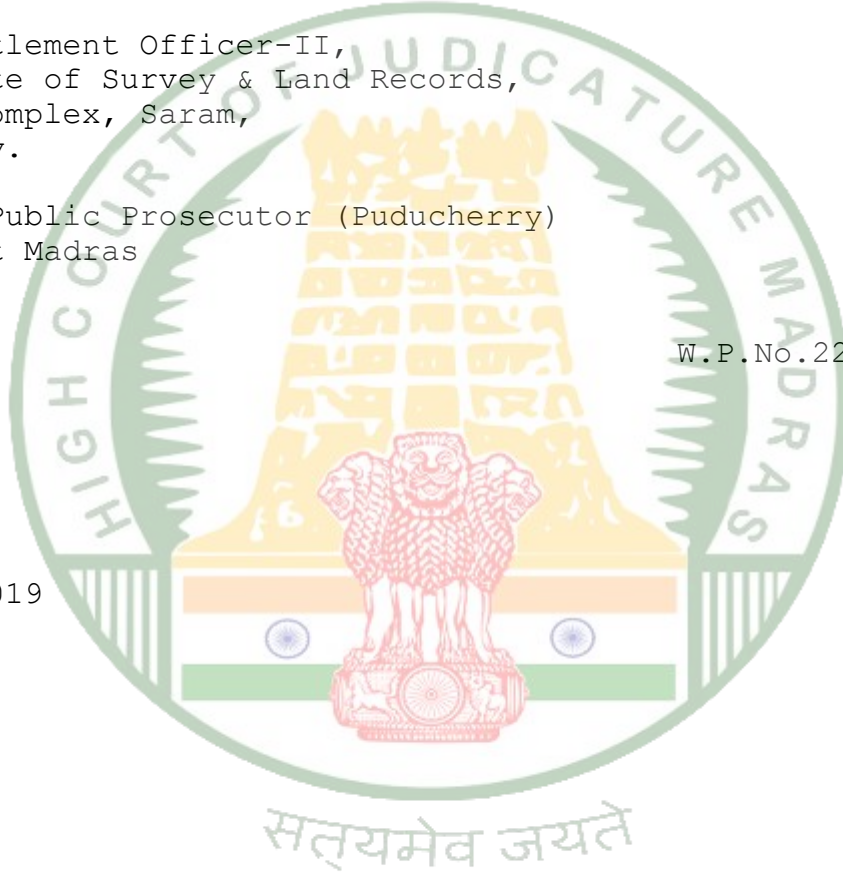
2.The Director,
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+1 cc to Public Prosecutor (Puducherry)
High court Madras

W.P.No.22901 of 2019

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