



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.29212 of 2019
& W.M.P.Nos.29013 & 29014 of 2019

N.Soundiramourthy,
Hereditary Trustee (Maniom),
Choulderie de Nagamoutouchetty,
No.79, Main Road, Opp. Police Station,
Kirumampakkam,
Puducherry - 607 402.

... Petitioner

/versus/

1. The Union of India represented by
the Secretary to Government,
Ministry of Home Affairs,
New Delhi.
 2. The Secretary to Government,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.
 3. The Director of Survey and Land Records,
Puducherry.
 4. The Chairman,
Puducherry Planning Authority,
Puducherry.
 5. The District Collector,
Puducherry.
 6. The Settlement Officer - II,
Survey & Land Records,
Puducherry.
- Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records on the file of the 6th respondent relating to the impugned order bearing Ref.No.S.P.no.080/DOS/PF/ST-II/2017, dated 14.08.2018 and quash

the same and consequently direct the respondents to restore the Revenue records, land records of the Petitioner in the name of the "Choulderie de Nagamoutouchetty" and take such further steps to restore the property of the Public Charitable Institution contained in R.S.Nos.98, 101, 102 and 103 of No.73, Pilliyarkuppam Revenue Village, Bahour Commune, Puducherry in accordance with law.

For Petitioner : Mr.V.Kamala Kumar

For R2 to R6 : Mr.C.T.Ramesh,
Additional Government Pleader (Pondy)

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader (Puducherry) for the Respondents 2 to 6.

2. The Petitioner herein relying upon the grant of lands to Choulderie de Nagamoutouchetty by the then French Government, has sought for correction in the Revenue records to include the name of Nagamoutouchetty in respect of cadastre Nos. 920 Bis, 920, 1001 & 1004 corresponding R.S.Nos.98, 101, 102 & 103 of No.73, Pilliyarkuppam Revenue Village, which now stands in the name of various other persons.

3. The petitioner claims himself as the descendants of the said Nagamoutouchetty and the Trust of the Choultry. The representation for grant of Patta was made by the petitioner to the Settlement Tahsildar. The Settlement Tahsildar, has considered the same in accordance with law and based on the Revenue records available, he had dismissed the request of the petitioner and also informed in the order that, if the petitioner is aggrieved, shall prefer appeal before the Director of Survey and Land Records, Puducherry, within a period of 30 days, as per Rules 26 & 27 of Pondicherry Settlement Rules, 1970.

4. The petitioner herein had not preferred appeal as contemplated under Rules 26 & 27 of Pondicherry Settlement Rules, 1970, but has given a representation to the Director of Survey and Land Records and the Hon'ble Lieutenant Governor of Puducherry, on 07.09.2018 and had preferred the present Writ Petition to quash the order passed by the Survey Settlement Officer, rejecting the request. The matter relates to Revenue documents and conferment of title. Rules 26 & 27 of the Pondicherry Settlement Rules, 1970, indicates that any order passed by the Settlement Officer is appealable before the Director and such appeal shall be made within a period of 30

days from the date of receipt of the order appealed against.

5. Admittedly in this case, the order under challenge is passed by the Settlement Officer. Despite intimating the petitioner about the appeal remedy, till date, no appeal has been preferred by the petitioner except a representation to the Director of Survey and Land Records and the Hon'ble Lieutenant Governor. Since there is an alternate statutory remedy available under the Act and the matter is also pertaining to title and Revenue records, those disputed facts cannot be gone by this Court under the Writ Jurisdiction. Hence, to afford opportunity to the petitioner herein, the petitioner is given liberty to prefer appeal under Section 26 of the Pondicherry Settlement Rules, 1970, before the Director of Survey and Land Records, Puducherry, within a period of 30 days, from the date of receipt of a copy of this order. In this regard the limitation prescribes under Section 27 of Pondicherry Settlement Rules, 1970, shall be condoned, in view of the pendency of the Writ Petition before this Court. Any appeal received by the 3rd respondent/Director of Survey and Land Records, from the petitioner herein, same may be decided in accordance with law, after causing notice to the parties concerned and complete the process as expeditiously as possible.

6. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

Bsm

TO

1. The Secretary to Government,
The Union of India, Ministry of Home Affairs,
New Delhi.
2. The Secretary to Government,
Department of Revenue & Disaster Management,
Government of Puducherry, Puducherry.
3. The Director of Survey and Land Records,
Puducherry.

4. The Chairman, Puducherry Planning Authority, Puducherry.

5. The District Collector, Puducherry.

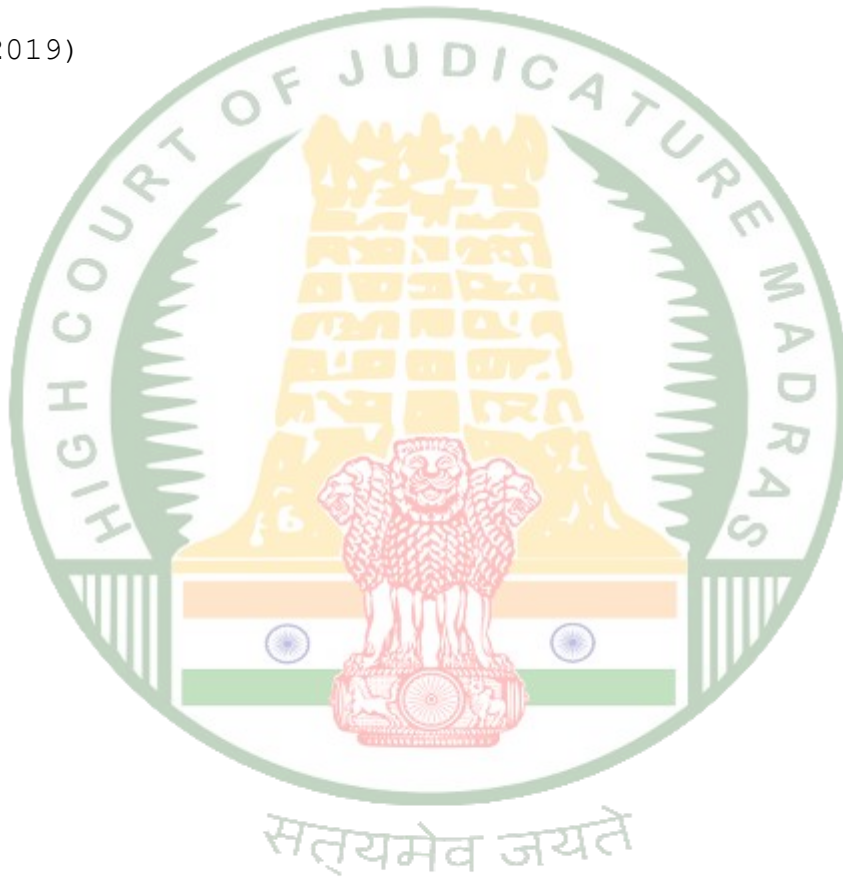
6. The Settlement Officer - II, Survey & Land Records,
Puducherry.

+1cc to Public Prosecutor for Puducherry, Advocate, S.R.No. 96717

+1cc to Mr.Sai & Bharath, Advocate, S.R.No. 96876

W.P.No.29212 of 2019

PA(CO)
GN(31/12/2019)



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