



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12883 OF 2015

Gunasekaran

... Petitioner

..VS..

1. The Revisional Authority under Puducherry Settlement Act-cum-The Secretary (Revenue) Government of Puducherry, Secretariat, Puducherry.
2. The Director of Settlement, Directorate of Survey and Settlement, Puducherry.
3. The Settlement Officer, Directorate of Survey Settlement and Land Records, Puducherry.
4. Ramachandiran ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent's order in Revision Petition No.2 of 2013 dated 27.02.2015 confirming the order of the second respondent in Appeal No. 18 of 2011 dated 03.07.2013 confirming the order of the third respondent in his proceedings No.13977/DOS/ST-1/E-2/2011 dated 23.11.2011 and quash the same and further direct the third respondent to restore the name of the petitioner's father in relevant settlement records by deleting the name of the fourth respondent.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.J.Kumaran
Addl.Govt.Pleader (Puducherry)
for R1-R3
Ms.H.Lucia Priya Darshini for R4



O R D E R

The revisional order passed by the first respondent on 27.02.2015 confirming the order of the second respondent in A. No. 18 of 2011 dated 03.07.2013 confirming the order of the third respondent dated 23.11.2011 is sought to be quashed in the present Writ Petition.

2. A direction is sought for to restore the name of the petitioner's father in relevant statement records by deleting the name of the fourth respondent. The issues raised between the parties are in civil nature. The findings of the revisional authority namely the Secretary to Government (Revenue) which is impugned reveals that the revisional authority is not a competent forum to go into the question of the validity or otherwise of the sale deed and accordingly, a liberty was granted to the revision petitioner to approach the appropriate forum.

3. As rightly pointed out by the revisional authority civil disputes or ownership or title cannot be adjudicated by the authorities and only in the event of establishing the ownership title, the revenue authorities would be in a position to make necessary entries or issue certificate to that effect. Contrarily, the revenue authorities are incompetent to adjudicate the title disputes which is to be done by the parties by approaching the Competent Civil Court of Law.

4. In respect of the present Writ Petition, the issues regarding title and ownership is to be determined and without determining the title, it may not be possible for the revenue authorities to form an opinion and make necessary entries in the revenue records.

5. This being the factum established, the parties are at liberty to approach the Competent Civil Court of Law for adjudication of title or ownership as the case may be.

6. The learned counsel for the petitioner raised an apprehension that even in case the parties approached the Civil Court, the fourth respondent may take undue advantage of the revenue documents which stands in his name. Thus, it is made clear that neither of the party shall rely on the revenue records for the purpose of establishing their title before the Competent Civil Court of Law, if any suit or other proceedings are instituted. All the parties are bound to establish their title independently based on the original documents and other relevant records. The revenue records cannot be the determining factor for the purpose of declaration of title or ownership. Thus, the parties to the Writ Petition raising dispute relating



to title and ownership have to approach the Competent Court of Law for resolving the issues.

7. With these liberty, this Writ Petition stands disposed of. After deciding the issues before the Competent Civil Court of Law either of the party shall approach the revenue authorities for effecting entries in the revenue document as per the procedures contemplated. Till such time, the issues are resolved between the parties all such revenue records which is in dispute are kept in abeyance. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Revisional Authority under Puducherry Settlement Act-cum-The Secretary (Revenue) Government of Puducherry, Secretariat, Puducherry.
2. The Director of Settlement, Directorate of Survey and Settlement, Puducherry.
3. The Settlement Officer, Directorate of Survey Settlement and Land Records, Puducherry.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.52392

+1cc to Ms.H.Lucia Priya Darshini, Advocate, S.R.No.52130

+1cc to the Government Pleader, S.R.No.52169

W.P.No.12883 of 2015

PMK(CO)

CS/02/11/2021