



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.12608 OF 2011

AND

M.P.NOS. 1 OF 2011, 1 & 2 OF 2013

AND 35907 OF 2018

J.Ganessin

...Petitioner

Vs

The Thasildar,
Settlement Officer-I,
Survey and Land Records,
Pondicherry - 13.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to pass appropriate order of rectification of patta in the petitioner's name on the basis of the records in respect of the properties forming the subject matter of proceedings No.SP 1211/E-I-F-I/2001 pending on his file by impleading him as legal representative of his deceased father in the case.

For Petitioner : Mr.J.Ganessin, Party in person

For Respondent : M/s.V.Usha
Additional Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to pass appropriate order of rectification of patta in the petitioner's name on the basis of the records in respect of the properties forming the subject matter of proceedings No.SP 1211/E-I-F-I/2001 pending on his file by impleading him as legal representative of his deceased father.

2. The father of the petitioner owned the property and he executed a Will dated 03.05.2008 in favour of the petitioner. Thereafter, he died on 07.05.2008. During the life time of his



father, he filed a petition before the respondent for transfer of patta in respect of the property comprised in Town Survey No.50 and 53 ad-measuring 2 Ares 40 cents situated at Mudaliarpet Commune Pudupalayam Revenue Village, Pondicherry. During the year 2001, on receipt of the same, the respondent numbered it as SP.No.1211/ST-1/E-1/2001. Thereafter, the respondent issued notice to the petitioner's father as well as the counter parties. The petitioner appeared on behalf of his father before the respondent on 23.11.2001 and sought for adjournment. At his request, the matter was adjourned and thereafter, issued notice to opposite parties.

3. Pending the said proceedings, the petitioner herein also filed another petition before the Secretary to Government-cum-District Collector, Puducherry on 20.09.2008 for the very same relief claiming on the strength of the Will executed by his father dated 03.05.2008. His father died on 07.05.2008 and as such, the petition filed by his father in the proceedings S.P.1211/E-1-F1/2001 was closed and the petition filed by the petitioner has been taken into file in No.89/DOS/ST-1/23(1)/2010. Thereafter, the petitioner also filed a Writ Petition before this Court in W.P.No.26383 of 2009 and this Court directed the respondent to pass order on merits within a period of four weeks. As directed by this Court, the respondent conducted a detailed enquiry and after scrutinizing the documents, passed order on 01.03.2010.

4. In fact, the petitioner filed an appeal as against the order passed by the respondent herein before the Director of Survey and Land Records, Puducherry on 31.01.2011 under Section 26 of the Pondicherry Settlement Rules, 1970. In fact, in the said appeal notice was issued and they did not appear before the appellate authority.

5. On perusal of records, a counter has been filed in the writ petition for direction, directing the respondent to dispose of his father's petition pursuant to S.P.No.1211/ST-1/E1/2001, even while his father was alive. The petitioner also filed a petition for the very same relief and as such, after demise of his father, it was merged and new number has been assigned as No.89/DOS/ST-1/23(1)/2010. In the said proceedings, the respondent already passed order on 01.03.2010. Aggrieved by the same, the petitioner also filed an appeal before the Director of Survey and Land Records, Puducherry and it is pending for adjudication.

6. In view of the above, the Writ Petition is devoid of merits. However, the Appellate Authority i.e, The Director of Survey and Land Records, Puducherry, is directed to dispose of the appeal filed by the petitioner in No.89/DOS/SBT/23/2010



within a period of twelve weeks from the date of receipt of a copy of this order, if not already disposed of.

7. With the above direction, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No cost.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Thasildar,
Settlement Officer-I,
Survey and Land Records,
Pondicherry - 13.

2.The Director of Survey and Land Records,
Pondicherry

+1cc to the Government Pleader, S.R.No.38952
+2ccs to Mr.J.Ganessin, Advocate, SR.NO.38713 (01/11/221)

W.P. No. 12608 of 2011
and
M.P.Nos. 1 of 2011, 1 & 2 of 2013
and 35907 of 2018

KSM(CO)
PM/22/09/2021