



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.24022 of 2012

M.P. No.2 of 2012

1. R.Balasundaram Reddiar (Died)
2. B.Sumathi
3. B.Sathyanarayanan
(P2 & P3 substituted as LRs
of the deceased sole petitioner
vide Order dated 12.07.2021
made in W.M.P.No.7413 of
2021 in W.P.No.24022 of 2012 by RSKJ) ...Petitioners

-Vs-

1. Government of Union Territory of Pondicherry,
Represented by its Chief Secretary.
2. The District Collector,
Office of the Collectorate,
Kamaraj Salai, Saram
Government of Pondicherry.
3. Sri Narasima Perumal Temple, Singri Koil
Represented by its Trustee
Ariankuppam, Pondicherry.
4. The Commissioner,
Hindu Religious Institution,
Puducherry.
5. The Director of Surveys and Land Records,
Puducherry.
6. The Sub Collector Revenue (North),
Puducherry.
7. The Tashildhar,
Taluk Office, Puducherry.
8. The settlement Officer-I,
Taluk Office, Puducherry. ...Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records in respect of order dated 30.07.2012 in proceedings No. S.P.No.2117/DOS/ST-1/E-2/23 (1)/2012 passed by the eighth respondent whereby the petition filed by the petitioner under Section 23(1) of the Puducherry Settlement Act.1970 was dismissed and quash the same and direct the respondents to include the name of the petitioner in the revenue records in respect of petitioner's land comprised in Cad.No.376 bis ½ with R.S.No.73/10 of Abiishekapakkam Village, Pondicherry admeasuring to total extent of 00.24.15 acres and delete the name of the third respondent from the revenue records.

For Petitioners : Mr.J.Suresh
For Respondents

For R1 & R2 : Mr.J.Kumaran
AGP(P)

For R3 : Mr.R.Parthasarathy

ORDER

The Writ Petition has been filed challenging the order dated 30.07.2012 in proceedings No.S.P.No.2117/DOS/ST-1/E-2/23 (1)/2012 passed by the eighth respondent thereby dismissing the petition filed by the deceased petitioner under Section 23(1) of the Puducherry Settlement Act 1970 and direct the respondents to include the name of the petitioners in the revenue records in respect of petitioners' land comprised in Cad.No.376 bis ½ with R.S.No.73/10 of Abiishekapakkam Village, Pondicherry admeasuring to total extent of 00.24.15 acres and to delete the name of the third respondent from the revenue records.

2. Heard Mr.J.Suresh, learned counsel appearing for the petitioners, Mr.J.Kumaran, learned Additional Government Pleader (Pondicherry) appearing for the respondents 1 & 2 and Mr.R.Parthasarathy, learned counsel appearing for the third respondent.

3. The petitioners challenged the order passed by the eighth respondent viz., Settlement Officer, Taluk Office, Puducherry, thereby rejecting the request of the deceased petitioner to delete the entries existing in the revenue accounts in the name of the third respondent viz., Sri Narasima Perumal Temple, in respect of the properties covered under Cad.No.376 bis ½ with R.S.No.73/10 admeasuring 00.24.15 acres situated at Abiishekapakkam Village, Pondicherry.



4. As against the impugned order, there is an appeal provision provided under Section 21 of the Pondicherry Settlement Act, 1970. When there is a provision for appeal remedy, this Court cannot entertain the Writ Petition under Section 226 of the Constitution of India. Therefore, the Writ Petition is devoid of merits and liable to be dismissed. However, the petitioners are at liberty to file appeal within a period of two weeks from the date of the receipt of a copy of this Order before the appellate authority viz., the fifth respondent herein. The period of pendency of this Writ Petition may be excluded while calculating the limitation period in the appeal. On receipt of any appeal filed by the petitioners, the fifth respondent is directed to conduct enquiry after issuance of notice to the parties concerned and after affording opportunity of hearing, pass order in accordance with law, within a period of twelve weeks thereafter.

5. With the above directions, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Chief Secretary,
Government of Union Territory of Pondicherry,
2. The District Collector,
Office of the Collectorate,
Kamaraj Salai, Saram
Government of Pondicherry.
3. The Trustee,
Sri Narasima Perumal Temple, Singri Koil
Ariankuppam Pondicherry.
4. The Commissioner,
Hindu Religious Institution,
Puducherry.
5. The Director of Surveys and Land Records,
Puducherry.



6. The Sub Collector Revenue (North),
Puducherry.

7. The Tashildhar,
Taluk Office, Puducherry.

8. The settlement Officer-I,
Taluk Office, Puducherry.

+1cc to M/s.Government Pleader For Puducherry,
High Court, Madras - 104 S.R.No.42441

+1cc to M/s.R.Parthasarathy, Advocate, S.R.No.42953

+1cc to M/s.J.Suresh, Advocate, S.R.No.42555

+1cc to M/s.Government Pleader, S.R.No.42689

W.P. No.24022 of 2012
M.P. No.2 of 2012

JP-II (CO)
RGA (27/09/2021)