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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28105 of 2015 and
MP.Nos.1 & 2 of 2015

G.Periasamy

...

Petitioner

Vs

1.The District Collector(Revenue),
Office of the District Collector,
Saram,
Puducherry-11

2.The Thasildar,
Taluk Office,
Villianur,
Puducherry

3.The Sub Registrar,
Office of the Sub Registrar,
Villianur,
Puducherry

4.G.Shanmugam

5.G.Krishnamrthy@ Loganathan

6.The Village Administrative Officer,
No.33, Kurumbapet Revenue Village,
Villianur,
Puducherry

...

Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to restore the patta No.155 dated 13.11.2007 in the name of the petitioner's father Govindasamy Gounder son of Periyasamy Gounder in respect of the lands in RS.No.162/6 of Kurumampet Revenue Village to the extent of 17 R 50 Santhiyar in Village No.32 Kurumampet Revenue Village, Puducherry and consequently direct the 2nd respondent to order for deletion of the names are respondents 4 and 5 in patta No.155 dated 15.12.2014 and take action in accordance with law.



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For Petitioner : Mr.M.Gnanasekar
For Respondents
For R1 to 3 & 6 : Mr.J.Kumaran,
Additional Government Pleader
(Puducherry)

For R4 & 5 : Mr.S.Sairaman

ORDER

This Writ Petition is filed to issue a writ of mandamus directing the second respondent to restore the patta No.155 dated 13.11.2007 in the name of the petitioner's father Govindasamy Gounder son of Periyasamy Gounder in respect of the lands in RS.No.162/6 of Kurumampet Revenue Village to the extent of 17 R 50 Santhiyar in Village No.32 Kurumampet Revenue Village, Puducherry and consequently direct the 2nd respondent to order for deletion of the names of the respondents 4 and 5 in patta No.155 dated 15.12.2014.

2. The case of the petitioner is that his father Govindasamy married one, Lakshmi on 16.09.1943. Out of their wedlock, they gave birth to two children, the petitioner and his brother Veerappan. During the lifetime of his father, he purchased the property by way of sale deed dated 27.09.1938. He died on 29.11.1963 leaving behind the petitioner and his brother along with their mother as his legal heirs. Thereafter, his mother also died on 07.02.1962. While being so, the fourth respondent and fifth respondent also claimed the property as if they have partitioned the property and by the release deed executed by one, Sengani who claiming to be the petitioner's father's wife. In this regard, the petitioner lodged complaint before the revenue authorities. He also submitted representation for issuance of patta before the second respondent and the second respondent conducted enquiry with the fourth and fifth respondents and issued patta in favour of the fourth and fifth respondents herein. Therefore, the petitioners have filed this writ petition to restore the patta for the subject property in the name of his father and to direct the second respondent to delete the names of the fourth and fifth respondents herein in the patta No.155 dated 15.12.2014.

3. Heard, Mr.M.Gnanasekar, the learned counsel for the petitioner, Mr.J.Kumaran, Additional Government Pleader (Puducherry) appearing for the respondents 1 to 3 & 6, and Mr.S.Sairaman, the learned counsel for the respondents 4 & 5.

4. As rightly pointed out by the respondents 4 and 5, the second respondent issued joint patta in favour of the respondents 4 and 5 after conducting due verification and



enquiry. It was issued under Rule 8 of the Puducherry Settlements Act, 1970. If at all the petitioner is aggrieved by the said order, the petitioner has appeal remedy under Section 21 of the Puducherry Settlements Act, 1970. When there is a specific remedy provided under the statute, this Court cannot entertain the writ petition under Article 226 of the constitution of India. That apart, the petitioner already filed suit in OS.No.286 of 2015 on the file of the Principal District Munsif Court, Puducherry for declaring himself and his brother veerappan as the only legal heirs of the deceased Govindasamy, who died on 29.11.1963. Therefore, there is dispute in respect of legal heirs of the deceased Govindasamy. However, the petitioner has appeal remedy as against the order passed by the second respondent under Section 21 of the Puducherry Settlements Act, 1970.

5. Therefore, the petitioner is directed to file an appeal as against the order passed by the second respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the appellate authority is directed to issue notice to the respondents 4 and 5 herein and after giving them opportunity of hearing, to pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector(Revenue),
Office of the District Collector,
Saram,
Puducherry-11

2.The Thasildar,
Taluk Office,
Villianur,
Puducherry



3.The Sub Registrar,
Office of the Sub Registrar,
Villianur,
Puducherry

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4.The Village Administrative Officer,
No.33, Kurumbapet Revenue Village,
Villianur,
Puducherry

+lcc to Mr.S.Sairaman, Advocate, S.R.No.41146

+lcc to the Government Pleader(Puducherry), S.R.No.41453

WP.No.28105 of 2015

NRL(CO)
CB(13/09/2021)