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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO.18635 OF 2021

Hasan Feroz

... Petitioner

-Vs-

The Settlement Officer-I,
Directorate of Survey and Land Reforms,
Puducherry.

... Respondent

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondent to dispose of the petition dated 22.03.2019 in accordance with law with regard to making corrections in the entries made in the Settlement Registrar on the file of the Respondent in respect of the Petitioner properties comprised in Cadastre No.1314 BIS in R.S. No.151/3A & 151/2B admeasuring an extent of 18 Kuzhies and 2 Veesam situated at Pillaichavadi Village, Oulagaret Municipality, Puducherry, within the time frame that may be fixed by this Hon'ble Court and pass orders accordingly.

For Petitioner :: Mr.R.Nandhakumar

For Respondent-1 :: Mrs.V.Usha
(Addl. Government Pleader)
Puducherry.

ORDER

The relief sought for in this writ petition is for a direction to the respondent to dispose of the petition dated 22.03.2019 in accordance with law with regard to making corrections in the entries made in the Settlement Registrar on the file of the Respondent in respect of the Petitioner properties comprised in Cadastre No.1314 BIS in R.S. No.151/3A & 151/2B admeasuring an extent of 18 Kuzhies and 2 Veesam situated at Pillaichavadi Village, Oulagaret Municipality, Puducherry, within the time frame that may be fixed by this Court and pass orders accordingly.



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2. The learned counsel for the petitioner would submit that the Petitioner become the owner of the subject property comprised in Cadastre No 1314 BIS in R.S.No.151/3A & 151/2B admeasuring an extent of 18 Kuzhies and 2 Veesam, situated at Pillaichavadi Village, Oulagaret Municipality, Puducherry by virtue of Hibba (Gift) Post Declaration deed dated 06.09.2008, executed by his father MOHF Shajahan. Originally one Govindasamy Gounder, Muthu Krishna Gounder & others were the absolute owners of the subject property. In the year 1976, one Alamelu have purchased the subject property for valuable consideration through registered sale deed dated 10.12.1976 bearing document No.725/1976. Thereafter, in the year 1989, the petitioner's father MOHF. Shajahan, have purchased the subject property from the said Alamelu for a valuable consideration through registered sale deed dated 05.07.1989 bearing document No.1922/1989.

3. It has been further submitted that the Petitioner came to understand that during re-survey of the subject properties and other properties situated adjacent to it, instead of the name of the original owners as per the above sale deeds for the subject properties, it has been wrongly, erroneously and mistakenly entered in the name of one Mr.Subbarayan in Settlement Register maintained by the Respondent. Therefore, the Petitioner made a petition dated 22.03.2019 before the Respondent seeking to correct the above mistakes made in entries in the Settlement Register in respect of the subject property. On receipt of the above petition no action was taken by the Respondent till date. Hence the petitioner is left with no other alternative remedy except to approach this Court by invoking under Article 226 of the Constitution of India to direct the respondent to dispose of the petition dated 22.03.2019 filed by him. Hence, this writ petition.

4. The learned Additional Government Pleader (Pondy) appearing for the respondent would submit that the respondent may be directed to dispose of the petition dated 22.03.2019 filed by the petitioner within a time frame as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Pondy) for the respondent as well as perused the material available on records.

6. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, without expressing any opinion with regard to merits of the case, the respondent is directed to dispose of the petition dated 22.03.2019 filed by the petitioner herein within a period of three months from the date of receipt of copy of this order



7. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

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Lbm

The Settlement Officer-I,
Directorate of Survey and Land Reforms,
Puducherry.

+2ccs to Mr.R.Nandhakumar, Advocate, S.R.No.44735 & 44709

SJ(CO)
RLP(27/10/2021)