



W.P.No.21384 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22/12/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.21384 of 2015

M.P.Nos.1 to 3 of 2015

a n d

W.M.P.No.12742 of 2016

Sri Siddhi Vinayagar
Sri Sivasubramania Swamy Temple
rep. by its President
Board of Trustees
Pethuchettipet
Puducherry 605 008.

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Petitioner

Vs

1. The Commissioner
Department of Hindu Religious Institution
Government of Puducherry
Puducherry.
2. The Commissioner-cum-
Secretary to Government (Revenue)
Government of Puducherry
Chief Secretariat
Puducherry.
3. The Director of Survey and Settlement
Directorate of Survey and Settlement
Government of Puducherry
Puducherry.
4. The Settlement Officer
Directorate of Survey and Land Records
Settlement Section - I
Government of Puducherry
Puducherry.



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5. Arulmighu Oothukattu Mariamman Devasthanam

rep. by the Present Trustee

Sellaperumalpet

Puducherry.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records pertaining to the order passed in Proceedings No.696/CHRI/T-1/2015-786 dated 22/6/2015 on the file of the first respondent, calling for the entire records pertaining to the order passed in Proceedings No.12389/DRDM/C-2/RP/2008 Revision Petition No.1 of 2008 dated 22/8/2014 on the file of the second respondent whereby and whereunder confirming the order passed in Appeal No.6/DOS/2005 dated 19/7/2007 on the file of the third respondent and confirming the order passed in Proceedings No.81/SR-1/E-5/03 dated 13/6/2005 on the file of the fourth respondent and quash the same.

For Petitioner

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Mr.R.Natarajan

For respondents

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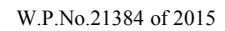
Mr.M.Nirmal Kumar
Government Advocate
(Pondy)
for R.R.1 to 4

Mr.V.M.Ravichandran
for R.5.

- - - - -

ORDER

This writ petition has been filed challenging the order of the original authority as well as the appellate authority.



follows:-

place in the gazette.

the same. Therefore, the entire order has to be set aside.

French regime by the office of Mutations. This would clearly indicate that



the property vests with the fifth respondent. According to him, they are the owners of the property. Application filed before the fourth respondent is only to rectify the mistake crept in the revenue records. Hence mere entry has been rectified based on the documents and the same cannot be challenged by way of a writ petition.

5. Heard Mr.R.Natarajan, learned counsel for the petitioner, Mr.M.Nirmal Kumar, Government Advocate (Pondicherry) for the respondents 1 to 4 and Mr.U.M.Ravichandran, learned counsel for the fifth respondent.

6. Learned counsel appearing for the petitioner submitted that the original authority and the appellate authority have gone into the title and held that only the fifth respondent is the owner of the property. They assumed the role of the Civil Court. Hence it is his contention that the entire order has to be set aside.

7. Learned counsel appearing for the fifth respondent submitted that the order impugned is not maintainable and no title dispute has been decided. The revenue records were ordered to be rectified based on the



documents. If at all the petitioner has any grievance, he has to establish the same before the Civil Court and not by way of writ petition.

8. He would further submit that during patta proceedings, merely the same views have been expressed in respect of the question of title. Such expression or opinion is not a conclusive one. Therefore, submitted that the order cannot be set aside.

9. I have perused the entire materials available on record.

10. Though application has been filed rectifying the mistake crept in the revenue records, on the basis of documents produced by both sides, the original authority has gone into the validity of the document and also possession based on the report of the Village Administrative Officer and Revenue Inspector.

11. Be that as it may. Mere views or opinion on the title of the property will not be a conclusive one and only intends to support the decision in deleting the entries in patta i.e., revenue records. Mere opinion



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expressed in those proceedings will not deter the petitioner from establishing the independent right in competent Civil Court.

12. In such a view of the matter, the petitioner is directed to file a suit before the competent Civil Court to establish his title independently. On such a suit is being filed, Civil Court shall not be influenced by any of the observations made by the fourth respondent and appellate authority in the impugned proceedings. The title of the respective parties has to be decided based on its own merits.

13. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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