



W.P.No.16078 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16078 of 2016

and

W.M.P.No.13883 of 2016

P.Govindarajan

...Petitioner

vs.

1. The Director of Settlement,
Directorate of Survey and Settlement,
Government of Puducherry,
Puducherry.
2. Settlement Officer,
Directorate of Survey and Land Records,
Pondicherry.
3. The Settlement Officer,
Branch Settlement Office,
Government of Puducherry,
Karaikal.
4. Tmt. Santhamani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the order passed in Appeal No.3 of 2011 dated 10.07.2015 on the file of the first



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respondent, confirming the order passed in proceedings No.31/E1/91 dated 7.1.1991 on the file of the second respondent and quash the same.

For Petitioners : Mr.R.Natarajan

For R1 to R3 : Mr.J.Kumaran
Additional Government Pleader (Puducherry)

For R4 : R.T.Shyamala

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the order passed in Appeal No.3 of 2011 dated 10.07.2015 on the file of the first respondent, confirming the order passed in proceedings No.31/E1/91 dated 7.1.1991 on the file of the second respondent and quash the same.

2. The case of the petitioner is that he claims title over the property in R.S.No.179/16 situated in Thirunallar Revenue Village. However, during the UDR Scheme, the Patta was transferred in favour of the fourth respondent vide proceedings of the second respondent dated 07.01.1991, based on the fraudulent deed of donation executed by the ancestors of the fourth respondent. Against the said order, the petitioner preferred an appeal in appeal No.3 of 2011 before the first respondent and the same was



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dismissed by the first respondent vide proceedings dated 10.07.2015 confirming the proceedings of the second respondent dated 07.01.1991. Challenging the same, the present Writ Petition has been filed seeking the aforesaid relief.

3. Learned counsel appearing for the petitioner submits that the father of the fourth respondent namely Paramasivam Pandithar filed a suit against the petitioner in O.S.No.148 of 1971 before the District Munsif Court, Karaikal, which was dismissed vide judgment dated 29.09.1973, against which the said Paramasivam Pandithar preferred Second Appeal in Second Appeal No.300 of 1992 before this Court and the same was dismissed vide judgment dated 23.07.2002 confirming the cross objection filed by the petitioner. Suppressing the aforesaid judgments, the fourth respondent obtained patta in her favour from the second respondent vide proceedings dated 07.01.1991, which is *per se* unsustainable. He further submits that the petitioner filed a suit in O.S.No.41 of 2011, and the same is pending on the file of District Court, Karaikal. Hence, this Court may grant liberty to the petitioner to canvass his grievances before the competent civil Court where



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the suit is pending.

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4. Learned counsel appearing for the fourth respondent submits that S.No.179/16 is not the subject property of the suit in O.S.No.41 of 2011. Accordingly, she prayed for dismissal of the present Writ Petition.

5. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

6. Though the petitioner claims that S.No.179/16 is the subject matter of the suit in O.S.No.41 of 2011, the fourth respondent claims that S.No.179/16 is not the subject matter of the said suit. However, considering the limited request of the petitioner, this Court, without interfering with the impugned order dated 10.07.2015 passed by the first respondent, directs the petitioner to canvass his grievances before the competent civil Court, where the suit is pending and based on the outcome of the said suit, liberty is granted to the petitioner to file a fresh application before the revenue officials. The District Court, Karaikal is directed to decide the suit in



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O.S.No.41 of 2011 pending between the petitioner and the fourth respondent without being influenced by any of the observations made in the impugned order.

7. Accordingly, this Writ Petition is dismissed with above observation. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2022

RAP

Index : Yes/No
Speaking order : Yes/No



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M.DHANDAPANI, J.

RAP

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