



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.24716 of 2012

Sarasu

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Revenue Complex,
Saram, Puducherry.

2.The Director of Survey and Land Records,
Government of Puducherry,
Puducherry.

3.Vasudevan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in respect of the order passed by the 2nd respondent dated 30.01.2009 in proceeding no.8062/DOS/ST-II/DT-1/RI-3/2008 and the consequential order dated 08.04.2009 issued by the 2nd respondent assigning Patta in favour of third respondent and quash the same and consequently direct the respondent to restore the Patta in favour of the petitioner in respect of the house site in No.49, Mangalam Revenue Village in R.S.No./T.S.No.14/32 with an extent of 0.0057 in Hectare.

For Petitioner : M/s.D.Rajagopal

For R1 & R2 : Mr.J.Kumaran
Additional Government Pleader
(Pondicherry)

For R3 : M/s.D.Ravichandan



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the entire records in respect of the order passed by the 2nd respondent dated 30.01.2009 in proceeding No.8062/DOS/ST-II/DT-1/RI-3/2008 and the consequential order dated 08.04.2009, issued by the 2nd respondent, assigning Patta in favour of third respondent and quash the same and consequently direct the respondents to restore the Patta in favour of the petitioner in respect of the house site in No.49, Mangalam Revenue Village in R.S.No./T.S.No.14/32 with an extent of 0.0057 in Hectare.

2. The learned Additional Government Pleader takes notice for the official respondents. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the petitioner is the owner of the property in R.S.No./T.S.No.14/32 to an extent of 0.0057 Hectare. The said land was assigned to the petitioner in L.G.R. Patta No.153/2005. Subsequently, at the instigation of the third respondent, without issuing any notice to the petitioner, the authority has cancelled the Patta on 30.01.2009. Challenging the same, the present Writ Petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that there was a transaction between the petitioner and the third respondent. Since the third respondent tried to interfere with the petitioner's property, the petitioner filed a Civil Suit in O.S.No.539 of 2012 and the same was dismissed for non prosecution, for which, the petitioner filed a restoration petition and the same was pending. Even otherwise, the same impugned order cannot be sustained on the ground that there is violation of the petitioner interest. However, the petitioner, as against the order passed by the second respondent, preferred an application before the District Collector/1st respondent on 21.06.2012. However, till date, no orders have been passed.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the official respondents and perused the entire materials available on record.

6. Without expressing any opinion on the merits of the case the first respondent is directed to consider the



petitioner's representation dated 21.06.2012 and dispose of the case on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and also the private respondent, within a period of 12 weeks from the date of receipt a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

Psa

To

1.The District Collector,
Office of the District Collector,
Revenue Complex,
Saram, Puducherry.

2.The Director of Survey and Land Records,
Government of Puducherry,
Puducherry.

+1cc to Mr.D.Ravichander, Advocate SR.No.16389

+1cc to Mr.D.RajaGopal, Advocate SR.No.15306

+1cc to the Government Pleader, SR.No.15751

W.P. No.24716 of 2012

MT (CO)

CB(24/03/2022)