



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7885 OF 2012

S.Sarvothaman

... Petitioner

Vs.

1. The Union Territory of Pondicherry
Rep. by the Secretary to the Government
Revenue Cum Revision Authority
Under Puducherry Settlement Act, 1970
Puducherry.
2. The Director of Settlement
Director of Survey Land Records and Settlement
Puducherry.
3. The Settlement Officer,
Survey Land Records
Pondicherry.
4. Dr.HBN Shetty

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to No.5992/DRDM/CT/RP/2010 dt. 06.12.2011 passed in RP No.1/2011, quash the same and direct the respondents 1 to 3 conduct fresh enquiry on furnishing the necessary documents to the petitioner relating to lands in TS Nos.B/21/49 and 50 in No.40, Pondicherry Revenue Village.

For Petitioner	:	Mr.T.Surendran
For Respondents	:	Mr.J.Kumaran for R1 to R3 Additional Government Pleader (Puducherry) Mr.P.Chandrasekar for R4



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari Mandamus calling for the records of the first respondent relating to No.5992/DRDM/CT/RP/2010 dated 06.12.2011 passed in RP No.1/2011, quash the same and to direct the respondents 1 to 3 to conduct fresh enquiry on furnishing the necessary documents to the petitioner relating to lands in TS Nos.B/21/49 and 50 in No.40, Pondicherry Revenue Village.

2.The case of the petitioner is that the petitioner is the owner of the subject property, however, in the revenue records, the name of one Padmini Chandrasekaran has been wrongly registered. Hence, the petitioner submitted application for rectification before the third respondent and the same was dismissed. Hence, he filed appeal under Section 21 of the Pondicherry Settlement Act, 1970, before the second respondent and the same was also dismissed. Thereafter, he preferred revision before the Lt.Governor and the same was forwarded to the first respondent and the first respondent, vide impugned order, confirmed the order passed by the original Authority as well as the Appellate Authority. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that though the petitioner has title, it is nullified by way of the impugned order. The learned counsel further submitted that the Revenue Officials have no power to decide the title. Hence, this Court may permit the petitioner to file appropriate petition before the competent civil Forum for title and this Court may issue direction to the concerned Court to decide the issue independently, without being influenced by any of the observations made by the revenue Officials.

4.The learned Additional Government Pleader (Puducherry) appearing for the respondents 1 to 3 as well as the learned counsel appearing for the fourth respondent raise no serious objection for this Court considering the request now made by the learned counsel appearing for the petitioner.

5.In view of the above, this Court without expressing any opinion on the merits of the case, since expressing any opinion on the merits of the case may adversely affect the interest of the parties, permits the petitioner to approach the competent civil Forum for title. If any such petition is filed by the petitioner, the concerned Court shall decide the matter independently, without being influenced by any of the observations made by the revenue Officials. If the petitioner succeeds in the case that is to be filed by the petitioner, it



is open to the petitioner to approach the revenue Officials for appropriate orders.

6. The writ petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government
The Union Territory of Pondicherry
Revenue Cum Revision Authority
Under Puducherry Settlement Act, 1970
Puducherry.
2. The Director of Settlement
Director of Survey Land Records and Settlement
Puducherry.
3. The Settlement Officer,
Survey Land Records
Pondicherry.

+2ccs to M/s.P.Chandrasekar, Advocate, S.R.No.15624

+1cc to the Government Pleader(Puducherry), S.R.No.15750

W.P.No.7885 of 2012

MG(CO)

RLP(28/03/2022)