

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14941 OF 2022

AND

W.M.P.NO.14168 OF 2022

D.Velavan

... Petitioner

Vs.

1. The Settlement Officer
Settlement Section -I,
Directorate of Survey and Land Records,
Government of Puducherry,
Puducherry.

2. S.Manikandan
3. Valarmathi
4. Ganapathy
5. Ganesh
6. Saraswathy
7. Mahalakshmi
8. Loganayagi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent's proceedings in S.P.No.6320/DOS/ST - 1/23 (1)/2021 dated 08.05.2022 and quash the same as illegal, arbitrary and malafide.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent's proceedings in S.P.No.6320/DOS/ST - 1/23(1)/2021 dated 08.05.2022 and quash the same as illegal, arbitrary and malafide.

2.The learned counsel appearing for the petitioner submitted that originally the subject property stood in the name of Deivayanai/ petitioner's grandmother and thereafter, the petitioner's father as a legal heir succeeded her estate. However, respondents 3 to 8 alleged that they are the legal heirs of Deivayanai and at their instigation, the petitioner's father's name was cancelled from the settlement records and his grandmother's name was restored in the settlement records. Hence, the petitioner has filed this writ petition.

3.The learned Additional Government Pleader (Puducherry) appearing for the Official respondent submitted that the issue arises inbetween the petitioner and respondents 3 to 8 has to be decided only by the competent civil Court. Hence, this Court may issue direction to the petitioner to file appropriate suit before the competent civil Court and may grant liberty to the petitioner to make appropriate application for change in the revenue records, if the petitioner succeeds in the suit.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Admittedly, originally the subject property stood in the name of Deivayanai/ petitioner's grandmother and thereafter, the petitioner's father as a legal heir succeeded her estate. However, it is alleged that at the instigation of respondents 3 to 8/ alleged legal heirs of Deivayanai, the petitioner's father's name was cancelled from the settlement records and his grandmother's name was restored in the settlement records.

6.In view of the above, this Court directs the petitioner to file appropriate suit before the competent civil Court. If any such suit is filed by the petitioner, the concerned Court shall decide the suit without being influenced by any of the observations made in the first respondent's proceedings in S.P.No.6320/DOS/ST - 1/23(1)/2021 dated 08.05.2022. If the petitioner succeeds in the suit that is to be filed, he is at liberty to make appropriate application for change in the revenue records.

7.The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

pri

To

The Settlement Officer
Settlement Section -I,
Directorate of Survey and Land Records,
Government of Puducherry,
Puducherry.

+1cc to M/s.K.Sasindran, Advocate, S.R.No.36375

+1cc to the Government Pleader, S.R.No.36753

W.P.No.14941 of 2022
And
W.M.P.No.14168 of 2022

SKM(CO)
RLP(12/07/2022)