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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9451 of 2014

J.Ganessin

...Petitioner

Vs.

1.The District Collector,
In the Court of the District Collector,
Collectorate Building, Saram,
Puducherry-13.

2.The Director,
Directorate of Survey and land Records,
Saram, Puducherry-13.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order of Appeal No.4/2012 order dt.21.02.2013 and amended order dated 16.05.2013 against order No.4441/ST-1/E4/2011 dated 06.01.2012 by the 1st respondent and quash the same and consequently, direct the 2nd respondent to maintain the boundary marks as Cadastre Nos.243/2/3 and 243BIS 2/3 at the earliest Cadastre Stage.

For Petitioner : Mr.J.Ganessin
Party-in-person

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

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records in the order of Appeal No.4/2012 dt.21.02.2013 and amended order dated 16.05.2013, against the order No.4441/ST-1/E4/2011 dated 06.01.2012 passed by the 1st respondent and quash the same and consequently, direct the 2nd respondent to maintain the boundary marks as Cadastre Nos.243/2/3 and 243BIS 2/3 at the earliest Cadastre Stage.



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2. The learned Additional Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The petitioner appeared as party-in-person and submitted that he filed an appeal petition for rectification of boundaries based on the old Cadastre number in respect of the property in Ward-G, Block-9, Cad.No.243 2/3 and 243 Bis 2/3 in Pudupalayam Revenue Village, Thiruvalluvar Salai, Iyyanar Nagar, Puducherry. The party-in-person claimed that he was the absolute owner of the property by virtue of his inheritance and he made application on 20.09.2008 before the Settlement Officer-I which was processed and it was dismissed, vide order No.89/DOS/STI/23(1)/2010, dated 01.03.2010. Aggrieved by this order, the petitioner filed an appeal before the Director of Settlement in Appeal No.2 of 2010 and the same is pending disposal. Similarly, the petitioner filed two Writ Petitions, vide W.P.No.12608 of 2011 and 7365 of 2012 in respect of the same property before this Court and the same were disposed of on 14.12.2021. Further, the party-in-person claims that the completion of demarcation/survey of the lands to which the petitioner lays claim, had been notified, vide notification No.R.C.D1-4403/81, on 11.06.1982. The respondents claimed that, after the issuance of the Notification under Section 11 of the Pondicherry Survey and Boundaries Act, 1967 no appeal shall be admitted under Section 10(5) of the said Act after the period of limitation. The petitioner had already approached the Civil Court in the year 1980 and preliminary decree was also passed in the meanwhile, for measuring the property, where the land proceedings are pending. In view of the above, this Court may permit the petitioner to canvass all those issues before the Civil Court where the preliminary decree was passed. This Court may issue direction to the Civil Court, to decide the case independently, without influenced by the impugned order.

4. In view of the limited relief sought for by the petitioner, this Court inclined to grant permission to the petitioner to canvass all those issues before the Civil Court where the preliminary decree was passed and the Civil Court is directed to dispose of the case independently, without influenced by the impugned order.



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5. Accordingly, this Writ Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Psa
To

1.The District Collector,
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Collectorate Building, Saram,
Puducherry-13.

2.The Director,
Directorate of Survey and land Records,
Saram, Puducherry-13.

+1 CC to Mr.J.Ganessin, Party-in-person sr 15270.

W.P. No.9451 of 2014

MT (CO)
SP(29/03/2022)