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W.P.Nos.9522 & 9523 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.9522 & 9523 of 2014
and W.M.P.Nos.2 & 2 of 2014

1.Kona Ramamoorthy
2.Kona Suba Rao
W.P.No.9522 of 2022

... Petitioners in

1.K.Venkateswara Rao
2.K.Chandra Kumar
3.Kunamreddy Masara Kumari
2022

... Petitioners in W.P.No.9523 of

vs.

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

2.The Director of Settlement,
Directorate of Survey and Land Records,
Puducherry.

... Respondents in both the W.Ps.

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the order passed in Appeal No.3 of 2010 dated 23.12.2013 on the file of the 2nd respondent confirming the order of the 1st respondent in proceedings No.9471/DOS/ST-II/2009



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dated 28.12.2009 and quash the same.

For Petitioners
in both the W.Ps.: Mr.V.Elangovan

For Respondents
in both the W.Ps :Mr.J.Kumaran
Addl. Govt. Pleader (Pondycherry)

COMMON ORDER

These Writ Petitions have been filed challenging the proceedings of the order passed in Appeal No.3 of 2010 dated 23.12.2013 on the file of the 2nd respondent confirming the order of the 1st respondent in proceedings No.9471/DOS/ST-II/2009 dated 28.12.2009 and quash the same

2.The learned counsel for the petitioners further submitted that the appeal before the Appellant Authority was also dismissed on 23.12.2013. The claim of the petitioner is that he is in enjoyment of the property and initially the patta, chitta and adangal was also issued in favour of the petitioner by the Revenue Official. However, subsequently, it was wrongly classified as 'Government River Poramboke'. Challenging the said classification, they filed an appeal before the Appellant Authority. The Appellant Authority also considered the same and rejected the said appeal. Challenging the same, the similarly placed persons including the



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petitioners filed a Writ Petition before this Court in W.P.No.6058 of 2010 and the same was dismissed on 20.02.2022. Accordingly, he prays for appropriate orders.

3.The issue that arises in these Writ Petitions had already been considered by this Court vide order dated 20.02.2022 in W.P.No.6058 of 2010, for better appreciation the relevant paragraph of the said order is extracted hereunder.

“7.The facts of the case are not in dispute. Admittedly, when the re-classification proceedings were initiated by the Government of Puducherry, show cause notice was issued to the petitioners and other 46 persons and subsequently, the present impugned order was passed. On perusal of the entire records, it came to know that the petitioners have produced the document over the property relating to T.S.No.D/2/5. However, the petitioners have failed to produce the proof with regard to T.S.No.D/2/5/3. The Government have rightly classified the lands in question as “Government Poromboke” - River. In the absence of any documentary evidence, the prayer sought for by the petitioners in the Writ Petition cannot be maintainable and no interference is called for in the impugned order....”



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4.In view of the same, this Court is not inclined to interfere with the impugned order as the said order stands squarely attracted to the case on hand and hence, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

18.10.2022

Index : Yes/No
Speaking Order : Yes/No
gba

To

- 1.The Settlement Officer-II,
Directorate of Survey and Land Records,
Government of Puducherry,
Puducherry.
- 2.The Director of Settlement,
Directorate of Survey and Land Records,
Puducherry.
West Saidapet, Chennai – 600 015.



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M.DHANDAPANI,J.

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