



WEB COPY

W.P.No.7801 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7801 of 2023

and

W.M.P.Nos.8010 and 8013 of 2023

1.P.Murthy

2.Senthamil Selvi

... Petitioners

Vs.

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

2.Veronica,

3.Louis Philip Gnanapragasam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order bearing No.8379/DOS/09 dated 07.01.2010 passed by the 1st respondent in the appeal filed by the 2nd respondent U/s.23(1)(a) of the Pondicherry Settlement Act, 1970 and quash the same.



For Petitioners : Mr.T.M.Naveen
For R1 : Mr.Ramaswamy Meiyappan,
Government Advocate (Puducherry)
For R2 & R3 : Not ready in notice

ORDER

The Writ Petition has been filed questioning the validity of the order dated 07.01.2010 passed by the Directorate of Survey and Land Records under the provisions of the Puducherry Settlement Act, 1970.

2. The learned Government Advocate appearing on behalf of the 1st respondent has brought to the notice of this Court that an alternate remedy is contemplated under Section 22 of the Puducherry Settlement Act, 1970, which contemplates that the Secretary may, of his own motion or on the application of any person affected, call for and examine the record of the appellate authority in respect of any proceedings under section 21 and pass such order as he may deem fit.



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3. The word 'Secretary' is defined under Section 2(kk) of the Act as “Secretary” means the Secretary to the Government of Puducherry incharge of the Department of Revenue and Disaster Management.

4. Rule is to exhaust the Appellate Remedy. Importance of exhausting statutory remedy at no circumstances be undermined. Adjudication of factual disputes by the appellate authority and the revisional authorities are of paramount importance for the purpose of determining the issues between the parties. Factual findings of the authorities under the provisions of the statutory would be of greater assistance to the High Court for the purpose of exercising judicial powers in an effective manner.

5. Thus, the petitioner has to exhaust the alternate remedy provided under Section 22 of the Act as stated above and accordingly, liberty is granted to the petitioner to approach the revisional authority for effective adjudication of disputed issues.



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6. In the event of filing any such revision, the authorities shall adjudicate the issues by affording opportunity to all the parties and decide the same on merits and in accordance with law as expeditiously as possible.

7. Accordingly, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

05.09.2023

skr
Index : Yes
Speaking order

To

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



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S.M.SUBRAMANIAM, J.

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