



WEB COPY

W.P.No.11178 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11178 of 2023

T.Maithily

... Petitioner

Vs.

1.The District Collector cum Appellate Authority,
Puducherry 605 009.

2.The Tahsildar-II
Directorate of Survey and Land Records,
Settlement Section -II,
Puducherry 605 009.

3.The Tahsildar -cum- Special Officer
Taluk Officer,
Villiyannur,
Puducherry - 605 009

4. B.Adhinarayanan

5. A. Prakashkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, for the records in No. 13658 / DRDM / C2 / SA / 2019 dated 22.12.2022 passed by the 1st respondent and quash the same and consequently to direct the 2nd and 3rd respondents to cancel all subdivision made in R.S. no. 73 / 3 and issue patta infavour of the



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petitioner with regard to R.S. No. 73/3 measuring 0.07.0 H.A.Ca at Perungalore Village, Villiyanur Taluk, Puducherry.

For Petitioner : Mr.S.Natarajan

For Respondents 1 to 3 : Mr.P.S.Kothandaraman
Government Advocate (Puducherry)

For Respondents 4 & 5 : No appearance

ORDER

The order passed by the appellate authority under the Puducherry Settlement Act, 1970 in proceedings dated 22.12.2022 is under challenge in the present writ petition.

2. The learned Government Advocate appearing on behalf of the Government of Puducherry drew the attention of this Court that a revision has been contemplated under section 22 of the Act. Accordingly, the Secretary shall, on application of any person affected, call for and examine the record of the appellate authority in respect of proceedings under section 21 and pass such orders as he may deem fit.

3. It is a statutory review contemplated under the Act. Thus, it is to be exhausted before approaching the court of law. The importance of the statutory remedy contemplated at no circumstances be undermined, since the



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adjudication of the facts with reference to records are of paramount importance.

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4. In the present case, the petitioner admittedly has not exhausted the remedy contemplated. Thus, the petitioner is at liberty to prefer a review petition before the competent authority under the Act and in the event of submitting any such petition, the revision authority shall consider the same and pass appropriate orders on merits and in accordance with law by affording opportunity to the writ petitioner as expeditiously as possible.

5. With these directions, the writ petition stands disposed of. No costs.

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Index : Yes
Speaking order

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S.M.SUBRAMANIAM, J.

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