



W.P.No.22590 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22590 of 2023

Sadasivam

...Petitioner

Vs.

1.Union of India

Represented by the Chief Secretary to Government
Government of Puducherry
Secretariat, Puducherry.

2.The District Collector

Government of Puducherry
Vazhuthavur Road
Puducherry.

3.The Settlement Officer-II

Department of Survey and Land Records
Saram, Puducherry.

4.The Commissioner

Hindu Religious Institutions
No.25, Lauristan Street
Puducherry.

5.The Present Trustee

Sri Malliswaran Temple
Pandasozhnur, Puducherry.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to pass orders pursuant to the letter No.1267/DOS/ST-II/23(1)/2014 dated 27.07.2015, issued by the fourth respondent, so as to enable the third respondent to pass appropriate orders on the petitioner application dated 13.02.2014 for mutation of patta, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Farook

For Respondents : Mrs.G.Gjearny
Government Advocate (Pondicherry)

ORDER

This Writ Petition is filed seeking a direction to the fourth respondent to pass orders pursuant to the letter of the third respondent dated 27.07.2015 in Letter No.1267/DOS/ST-II/23(1)/2014 to enable the third respondent to pass appropriate orders on the request the petitioner seeking mutation of patta in application dated 13.02.2014.



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2. According to the petitioner, his grand father was original owner of the property situated in Pandachozhanallur Revenue Village comprised in RS.No.23/4, Cadastre Nos.33/2/25/6, 331/2/2/6/6, 330 measuring an extent of 00.95.00 Hac.

3. Originally the said property was purchased by the grand father of the petitioner. When the family members attempted to partition the property in the year 2014, it came to the knowledge of the petitioner that patta of the said property was mistakenly issued in the name of trustee of Sri Malliswaran Temple Pandasozhnur, Puducherry. On verification it came to the knowledge of the petitioner that in the settlement register, the above said property stands in the name of the said temple. Immediately, the petitioner submitted an application before the third respondent on 13.02.2014 under Section 23(1) of the Pondicherry Settlement Act, seeking correction of settlement records by including his name. Since as on today, the settlement records stand in the name of the above said temple, the third respondent by his letter dated 27.07.2015 sought for comments from the fourth respondent. Though the letter was sent



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by the third respondent on 27.07.2015 to the fourth respondent till date, the fourth respondent has not given his reply. Therefore, the third respondent is not in a position to pass final orders on the request made by the petitioner for correction of settlement records.

4. Mrs.G.Gjeary, learned Government Advocate who takes notice for the respondents submitted that if necessary direction is passed in this matter, the same will be implemented.

5. In view of the limited prayed made by the petitioner without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the fourth respondent to give his reply to the letter of the third respondent dated 27.07.2015 in letter No.1267/DOS/ST-II/23(1)/2014 within a period of four weeks from the date of receipt of copy of this order. On receipt of reply from the fourth respondent, the third respondent is directed to pass final orders on the application made by the petitioner dated 13.02.2014 within a period of 8 weeks thereafter.



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6. With the above direction, this Writ Petition is disposed of. No costs.

01.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

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