



WA No.3123 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.3123 of 2019

V.Seenuvasamurthy

: Appellant

versus

1.The Government of Pondicherry,
rep. By its Director,
Directorate of Survey and Land Records,
Puducherry.

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

3.V.C.Gopinath

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 10.04.2019 passed in WP No.3182 of 2019.

For Appellant

: Mr.K.Sasindran

For Respondents

: Mr.A.Tamilvanan,
Addl. Govt Pleader, (Puducherry)
for respondents 1 and 2
Mr.C.A.Diwakar
for respondent No.3



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JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The appellant has preferred the appeal against the order dated 10.04.2019 passed by the Writ Court in W.P.No.3182 of 2019.

2. The case of the appellant is that he has filed a suit before the Civil Court in O.S.No. 1649 of 2018 for declaration and permanent injunction. The said suit is pending before the Civil Court. Earlier the appellant along with his brother has also filed a representation before the first respondent on 05.10.2005 for correctness in the settlement register by recording their names in the said settlement register under Section 23(1) of the Puducherry Settlement Act, 1970. Based on the representation made by the appellant, the respondent department has issued notice dated 24.01.2019 to the parties concerned to appear for enquiry on 31.01.2019. Challenging the said notice, the third respondent herein has filed a writ petition in W.P.No.3182 of 2019 before this Court. While considering the submission made on behalf of the parties, the writ court has taken note of the pendency of the suit filed by the appellant in O.S.No.1649



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of 2018 on the file of the Additional Principal District Munsif Court, Puducherry which was for declaration and permanent injunction and observed that the notice impugned in the writ petition relates to the same property, which is the subject matter of the suit pending before the Civil Court, which was for declaration of title in respect of the same property. Hence, the Writ Court directed the parties therein, to agitate their dispute with regard to title of the property, before the civil Court and further directed that till such time, the impugned notice dated 24.01.2019 issued by the respondent shall be deferred.

2. We have carefully considered the submissions made on behalf of the parties and perused the order passed by the writ court. We do not find any error in the order passed by the Writ Court. When the appellant has filed the suit for declaration and permanent injunction before civil court, seeking declaration of title of the property, which is the subject matter of Notice dated 24.01.2019, the same cannot be decided by the Settlement Officer under Section 23(1) of the Puducherry Settlement Rules, 1970. Therefore, we are of the view that the order passed by the writ court is perfectly valid and does not warrant interference. Accordingly, the Writ Appeal



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stands dismissed. There will be no order as to costs. Consequently,
connected C.M.P.No.19825 is closed.

[D.K.K., J.] [P.B.B., J.]
11.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

- 1.The Director,
Directorate of Survey and Land Records,
Puducherry.
- 2.The Settlement Officer I,
Directorate of Survey and Land Records,
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D.KRISHNAKUMAR, J.
and
P.B. BALAJI, J.

(mrn)

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