IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32425 of 2023
and
WMP.No.32045 of 2023

1.Jayalakshmi
2.Jaya @ Jagathambal
3.S.SouprayanSegarin
4.Souprayane Djeaveny ... Petitioners

/vs/

1.The Union Territory of Puducherry,
Rep.by its Secretary,
Revenue Department,
Government of Puducherry.

2.The Deputy Collector (Revenue North),
Office of the Deputy Collector (Revenue North),
Pondicherry. ... Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in respect of the order vide letters No.8245/DC(R)N/REV/C2/GLR/2023/1472 dated 23.05.2023, 8242/DC(R)N/REV/C2/GLR/2023/1478 dated 24.05.2023, 8482/DC(R)N/REV/C2/GLR/2023/1915 dated 23.06.2023 and 8481/DC(R)N/REV/C2/GLR/2023/1916 dated 23.06.2023 issued to the petitioners and to quash the same as illegal and to direct the second respondent to assign or fix or provide guide line value for the petitioners' properties measuring an extent of 2 kuzhi 1 veesam which is 1200 sq.ft each of dry land at Block No.13 located at ward N and Block P, T.S.No.21/8A/2, R.S.No.81/8pt cadastre No.404/21/65/1/2, 404/22/65 Plot Nos.11,12,13 & 14 situated at Village No.42, Thengaithittu Revenue Village comprised in Patta No.415, covered under sale deed Nos.918 of 1995 dated 15.03.1995, 915 of 1995 dated 15.03.1995, 567 of 1996 dated 01.02.1996 and 565 of 1996 dated 01.02.1996 respectively.

For Petitioners ... Mr.J.Rajmohan

For Respondents ... Ms.V.Usha
Additional Government Pleader
(Pondicherry)

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in respect of the order, vide letters No.8245/DC(R)N/REV/C2/GLR/2023/1472 dated 23.05.2023, 8242/DC(R)N/REV/C2/GLR/2023/1478 dated 24.05.2023, 8482/DC(R)N/REV/C2/GLR/2023/1915 dated 23.06.2023 and 8481/DC(R)N/REV/C2/GLR/2023/1916 dated 23.06.2023, issued to the petitioners and to quash the same as illegal and to direct the second respondent to assign or fix or provide guide line value for the petitioners' properties measuring an extent of 2 kuzhi 1 veesam, which is 1200 sq.ft each of dry land at Block No.13 located at ward N and Block P, T.S.No.21/8A/2, R.S.No.81/8pt cadastre No.404/21/65/1/2, 404/22/65 Plot

Nos.11,12,13 & 14 situated at Village No.42, Thengaithittu Revenue Village comprised in Patta No.415, covered under sale deed Nos.918 of 1995 dated 15.03.1995, 915 of 1995 dated 15.03.1995, 567 of 1996 dated 01.02.1996 and 565 of 1996 dated 01.02.1996 respectively.

2.The learned counsel appearing for the petitioners submitted that the petitioners are the subsequent purchasers and they are innocent purchasers without knowing about the final statement published in the Gazatte No.129, dated 13.09.1978, but their vendor was said to have purchased the property on 05.08.1975, that is, prior to the publication of the final statement under Form -10 of Section 11 of the Act, therefore, the vendor's vendor is the original owner, no notice was served and no record was produced. The proceedings were initiated neither the original owner, his vendors' vendor nor his vendor, who also purchased the property in the year 1975 itself, even otherwise, the Registering Officer would have verified the document and refused it. In this case, since all the lands are registered as house sites, the impugned order passed by the second respondent is not sustainable and the same has to be quashed.

3.The learned Additional Government Pleader (Pondicherry) appearing for the respondents submitted that the proceedings are initiated even prior to 1978, but after completing all the procedures, the final statement was also notified in the Gazette No.129 dated 13.09.1978, at the time, the name of the vendor of the writ petitioner was not found in the Revenue Records. Further, she submitted that the land vested with the Government even in the year 1978 and the petitioner had purchased the property only in the year 1996. Therefore, they purchased only the surplus land, which was vested with the Government. The vendor of the petitioners had no alienable interest to alienate the property, even otherwise, the Ward number is clearly stated in the impugned order, which is only Ward P and not Ward N. The identification of the land is also not clear, hence, the subject land is surplus land and is vested with the Government. Therefore, there is no illegality or irregularity in the impugned order, hence, the writ petition has to be dismissed.

4.I have considered the matter in the light of the submissions made by the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader (Pondicherry) appearing for the respondents and perused the materials available on record.

5.On a perusal of the records, it is seen that, admittedly, the land was declared as surplus land even in the year 1978 itself. Once the land is declared as surplus land and it vested with the Government, no other person is entitled to get any right and title over the property. Further, the impugned order shows that the Ward Number is P and not N, hence, the Ward number is also different. Since the classification of the land is "surplus land" and it vested with the Government, the petitioners are not entitled to the relief sought for in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No **20.12.2023**
Speaking Order: Yes/No

Neutral case citation: Yes/No
sms

To

1.The Union Territory of Puducherry,
Rep.by its Secretary,
Revenue Department,
Government of Puducherry.

2.The Deputy Collector (Revenue North),
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