



W.P. No.10806 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.10806 of 2011

and

M.P. No.1 of 2011

Sarvothaman

... Petitioner

vs.

1. The Union of India,
Rep. by the Secretary,
Home Ministry,
North Block,
Central Secretariat,
New Delhi – 1.

2. The Union Territory of Pondicherry,
Rep. By the Lieutenant Governor,
Pondicherry.

3. The Director,
Central Bureau of Investigation,
I Floor,
Block No.4,
CGO Complex,
Lodhi Road,
New Delhi – 16.

4. The District Collector,



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Pondicherry,
Pondicherry – 13.

5. The Director of Survey,
Settlement,
Land Records,
Pondicherry – 13.

6. Dr. HBN Shetty

7. S. Kalyanam *

.. Respondents

* Substituted in the place of the
deceased 6th respondent and
arrayed as 7th respondent
vide order dated 09.09.2024 in
W.M.P. No.28019 of 2024.

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 5th respondent to trace the land records relating to the petitioner's lands of an extent of 7000 sq. ft. in No.40, Pondicherry Revenue Village in T.S. No.B 21, 49 & 50, prior to 1982 and correlate them to the French records prior to the re-survey in 1972 pursuant to the orders of the Central Information Commission, New Delhi dt. 25.08.2010 in File N.C1C/Ls/A/2010/000505.

For Petitioner : Ms.Hema Sampath
Senior counsel
for Ms.R. Meenal

For Respondents : Mr.V. Vasanthakumar
Addl. Govt. Pleader for R2, R4 and
R5



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Mr.K. Srinivasan
Spl. Govt. Pleader (CBI) for R3
Mr.P. Chandrasekar for R7

ORDER

This writ petition has been filed for Mandamus seeking for a direction to the 5th respondent to trace the land records relating to the petitioner's lands of an extent of 7000 sq. ft. in No.40, Pondicherry Revenue Village in T.S. No.B 21, 49 & 50, prior to 1982 and correlate them to the French records prior to the re-survey in 1972 pursuant to the orders of the Central Information Commission, New Delhi dt. 25.08.2010 in File N.C1C/Ls/A/2010/000505.

2. The facts in nutshell are as follows :-

It is stated that there was a property dispute between the petitioner and the 6th respondent. According to the petitioner, the subject property belongs to the petitioner, but on the other hand, it was claimed that the subject property was owned by a Trust, where, the 6th respondent was a Trustee. During the pendency of this writ petition, the 6th respondent died and this Court by its order, dated 09.09.2024 (today) substituted Kalyanam as 7th respondent in the place of the deceased 6th respondent. It is further



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stated that the newly added respondent viz., the 7th respondent also filed a suit in O.S. No.83 of 2023 on the file of the Principal District Judge, Pondicherry seeking for declaration in which the petitioner herein was arrayed as party respondent. In such circumstances, this writ petition has been filed with the aforesaid prayer.

3. Learned Senior Counsel for the petitioner submitted that there has been a spate of civil litigations between the petitioner and the Trust with respect to the land in Survey T.S. Nos.49 and 50 Ward – B of Puducherry Revenue Village. It is her contention, without any documents, the records was mutated and accordingly patta also changed in the name of the Trust in respect of the petitioner's property. Further she submitted that after several legal battles, the petitioner sought information from the Central Information Commissioner (CIC), New Delhi, and who in turn, vide his letter dated 25.08.2010 directed the authorities to furnish the requisite details to the petitioner. Pursuant to said directions issued by the CIC, the official respondents have permitted the petitioner to peruse the records but they



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failed to produce the hard copy of the said records. It is her contention that patta was issued against a dead person. Hence, it would suffice, if a direction is issued by this Court to the 5th respondent to implement the orders passed by the CIC, vide letter dated 25.08.2010, within a time frame to be stipulated by this Court.

4. Reiterating the counter affidavit, learned Additional Government Pleader appearing for the respondents 2,4 and 5 submitted that the petitioner has failed to prove his title over the disputed property. If so aggrieved by the absolute title claimed by the original owner, by name, Padmini, who was the founder of the Trust, the petitioner has to approach the competent Civil Court and cannot invoke the writ jurisdiction.

5. Drawing the attention of this Court to paragraph No.14 of the counter-affidavit, he submitted on instructions that the records sought for by the petitioner were old and on an earlier date, the petitioner's son, who came to office of CIC, to scrutinise the records relating to the land in T.S. Nos.49



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& 50, which stood in the name of Padmini, was furnished with the details of available records, but, he has not produced any authorisation letter from the petitioner to receive the copy of the aforesaid records. Thus, he vehemently contended that the allegations raised in this petition are totally misconceiveable in nature. Hence, he prays for dismissal of this writ petition.

6. Heard the submissions made by learned counsel on either sides and perused the materials placed on record.

7.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 5th respondent to implement the orders passed by the Central Information Commissioner, on 25.08.2010 and furnish whatever records available with them to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If at all aggrieved by the records to be furnished by the 5th respondent, liberty is granted to the petitioner to file a I.A. in the civil suit stated supra, pending on the file of Principal District Judge, Pondicherry seeking for appropriate remedy.



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8.The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

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Note : Registry is directed to issue order copy
after making necessary amendments

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vsi2

To

1. The Secretary to Government,
The State of Tamil Nadu,
Energy Department,
Fort St.George,
Chennai - 600 009.
2. The Chairman and Managing Director,
TANGEDCO Limited,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Palladam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Palladam.



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M.DHANDAPANI, J.

vsi2

4. The Superintending Engineer,
Gobi South Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
GOBI.
5. The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
Sivagangai.

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**09.09.2024
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