



WEB COPY

W.A.No.802 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.802 of 2024

N.S.Nedunchezian

... Appellant

Vs.

1. The Principal Secretary to Government (Revenue),
Office of the Principal Secretary to Government (Revenue),
Government of Puducherry, Puducherry.
2. The Directorate of Survey and Settlement,
Government of Puducherry, Puducherry.
3. The Settlement Office-I,
Directorate of Survey & Land Records,
Puducherry.
4. The Commissioner,
Hindu Religious Institutions,
Puducherry.
5. The President,
Board of Trustees,
Arulmighu Muthumariamman Koil,
Meenatchipet, Puducherry.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 12.07.2022 made in W.P.No.27988 of 2011.



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For Appellant : Ms.G.Sumitra

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been filed against the order dated 12.07.2022 passed in W.P.No.27988 of 2011.

2. The factual matrix, as established would reveal that the respondents 1 and 2 have rendered a factual finding to the effect that the writ petitioner was not able to produce the documents to prove his title or ownership over the subject properties. The learned Judge also made a finding to that effect and further held that on survey, it was found that the possession and enjoyment over these subject properties was not even with the writ petitioner for over 30 years and the properties remain as “Government Manai”. In view of the said fact, the 2nd respondent proceeded to reject the claim made by the writ petitioner and the said decision of the 2nd respondent was confirmed by the 1st respondent.

3. When there is a cloud in title or ownership, the parties are to be relegated to approach the competent Civil Court of law. Neither the revenue



authorities nor the High Court in a writ proceedings can give a finding regarding title or ownership of an immovable property. The title or ownership is to be established independently based on the documents and evidences. That being the principles, the learned Judge is right in relegating the appellant to approach the Civil Court of law for the purpose of establishing his title or ownership in the manner known to law.

4. Thus, we do not find any infirmity in respect of the order passed by the learned Single Judge and accordingly, the Writ Appeal stands dismissed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
12.03.2024

skr

Index : Yes

Speaking order

To

1. The Principal Secretary to Government (Revenue),
Office of the Principal Secretary to Government (Revenue),
Government of Puducherry, Puducherry.
2. The Directorate of Survey and Settlement,
Government of Puducherry, Puducherry.
3. The Settlement Office-I, Directorate of Survey & Land Records,
Puducherry.



4. The Commissioner, Hindu Religious Institutions, Puducherry.

5. The President, Board of Trustees,
Arulmighu Muthumariamman Koil, Meenatchipet, Puducherry.



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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