



W.P.No.34644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34644 of 2024

R.Senthamarai

.... Petitioner

Vs

1.The Government of Puducherry,
Rep. by the Deputy Collector (Revenue) North,
O/o. The Deputy Collector (Revenue) North,
Puducherry.

2.The Sub Registrar,
O/o.The Sub Registrar Oulgaret,
Puducherry.

.... Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent Ref.No.3089/DC(R)N/REV/C2/GLR/2024/2029 dated 28.08.2024 and quash the same as illegal and consequently to direct the first respondent to fix the GLR value to the property in Re-survey No.231/4 of Oulgaret Revenue Village by considering the petitioner's representation dated 13.06.2024.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.M.Nirmal Kumar

Government Advocate (Puducherry)



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ORDER

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This Writ Petition has been filed challenging the order passed by the first respondent.

2. It is the case of the petitioner that the immovable property, bearing Plot Nos.29 & 30 situated at Oulgaret Revenue Village, Oulgaret Municipality, Puducherry, comprised in Re-survey No.231/4, Cadastrar No.1120 Bis ½, 1120 Bis 2/2, admeasuring an extent of 2080 sq.ft. and the said property being bounded on the North by plot No.28, South by plot No.31, East by New Passage (Road) and West by land belongs to Kalyanasundara Mudaliyar, was owned and possessed by S.V.Shanmugam. The said S.V.Shanmugam had purchased the property from one Vinayagam @ Siva under a registered sale deed dated 29.04.1997. From the date of purchase, the said S.V.Shanmugam has been an absolute possession and enjoyment of the property without any interruption. The said S.V.Shanmugam, thereafter, executed a power of attorney in favour of one S.Balasundaram, empowering him to sell the



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property under a registered general power of attorney dated 13.02.1998. The said power agent had sold the property to the petitioner under a registered sale deed dated 16.11.1998.

3. The learned counsel for the petitioner would submit that a sizeable portion of his property was taken up by the Government of Puducherry for constructing a pump house. The acquisition was made without notice to the petitioner leaving with him an extent of 541.50 sq.ft. He would submit that the petitioner was suffering from financial difficulties. When he approached the second respondent, he was informed that the second respondent could not register the document as the guideline value was shown as Zero, as the property was purported to be a temple property. He would also submit that since the property was showing Zero value without the GLR value being determined, the petitioner could not register the documents presented by him. Therefore, he was directed to approach the first respondent to fix the GLR value to the property in R.S.No. 231/4, Oulgaret Revenue Village. Therefore, the



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petitioner had submitted a representation dated 13.06.2024 requesting the first respondent to fix the GLR Value in respect of the property in R.S.No. 231/4. However, the same was rejected by the first respondent by its order dated 28.08.2024. The orders were not passed on merits and also without examining the field measurement registers. They proceeded on the mistaken notion that the property was temple land. Therefore, aggrieved by the order, the petitioner has filed the present writ petition seeking to quash the said order and to direct the first respondent to fix the GLR Value.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. A perusal of the documents filed along with this writ petition clearly shows that the patta stands in the name of the petitioner's predecessor in title. The patta is a joint patta and the property has been described as Punja land. This is the very same description given in the sale deed. Further, the HR & CE has not



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made any claim over the said land. That apart, the photographs showing the lie of the land clearly disprove the statement that it is a temple land.

6. Therefore, in view of the above circumstances, the impugned order issued by the first respondent is hereby set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent shall issue notice to the petitioner, give him a personal hearing, peruse the documents filed by him and thereafter, pass orders for fixing GLR value and issuing patta to the petitioner. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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P.T. ASHA, J,

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To

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O/o. The Deputy Collector (Revenue) North,
Puducherry.

2.The Sub Registrar,
O/o.The Sub Registrar Oulgaret,
Puducherry.

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