



WEB COPY

W.P.No.33474 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33474 of 2018
and
W.M.P.No.38845 of 2018

Arasi

... Petitioner

Vs.

- 1.The Union Territory of Puducherry,
Represented by the Deputy Collector (Revenue) North,
Office of the Deputy Collector (Revenue) North,
Puducherry.
- 2.The Union Territory of Puducherry,
Represented by the Tahsildar-cum-Executive Magistrate,
Oulgaret,
Puducherry – 10.
- 3.Sandy Marie Chantalle
Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the order dated 07.03.2017 passed by the 2nd respondent in No.192/TOO/LG/E/2017 and quash the same.



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For Petitioner : Mr.V.S.Senthil Kumar
For R1 and R2 : Mr.A.Tamilvanan
Additional Government Pleader
(Puducherry)
For R3 : Mr.A.Antony Robson

ORDER

The order dated 07.03.2017 passed by the Tahsildar-cum-Executive Magistrate, Oulgaret, Puducherry is under challenge in the present writ petitioner.

2. The petitioner claims title over the subject property by narrating the documents through which the property right was acquired.

3. Mr.A.Tamilvanan, the learned Government Pleader (Puducherry) would submit that the petitioner is the previous vendor and the original counter petitioner is one Tmt.Vasanthi. The 3rd respondent in the present writ petition is the complainant in the land grabbing petition filed against one Tmt.Vasanthi and the said Vasanthi acquired the title of the subject property.



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4. The Tahsildar cum Executive Magistrate has conducted the adjudication by entertaining the land grabbing petition filed by the 3rd respondent. The complaint for land grabbing has been entertained by the Revenue Authorities and the Government of Puducherry, based on the order passed in G.O.Ms.No.104 Department of Revenue and Disaster Management dated 16.11.2007. The complaint is being entertained by the Administrative Advisory Committee to deal with the land disputes and such Government Order would not confer any power to the Revenue Authorities to determine the title, ownership or the Civil rights. If at all, any allegation of land grabbing is established, suitable legal actions are to be initiated in the manner known to law. However, the Revenue Authorities are incompetent to declare the title of the property based on the enquiry to be conducted and based on G.O.Ms.No.104 dated 16.11.2007. It is only an Advisory Committee which would suggest/advice the aggrieved persons to approach the competent forum or the Authorities for initiation of further action. Therefore, any observations made by the Administrative Advisory Committee cannot be construed as conclusive evidence or proof for establishing title or ownership of the immovable property.



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5. The learned Counsel for the petitioner would submit that the husband of the petitioner died in the year 12.05.2006 and the enquiry was conducted after his death by the Revenue Authorities and therefore, enquiry itself is bad in law. Since the enquiry and the findings are Advisory in nature, the same need not be acted against the petitioner for the purpose of forming a final opinion regarding the title or the Civil rights.

6. High Court cannot adjudicate the disputed facts of Civil nature in the writ proceedings and in the present case, there is a title dispute between the parties and therefore, they have to approach the Competent Civil Court of law for the purpose of establishing their case. Independently based on the documents and evidences, any observations/findings made in the impugned order, it is only an observations and cannot be construed as conclusive proof to establish the title or otherwise. Considering the nature of the Revenue proceedings which is Advisory in nature and considering the fact that the Revenue Authorities cannot declare title of immovable property, this Court is of the considered opinion that the parties are at liberty to approach the Civil Court of law and in the event of land grabbing, instituting criminal prosecution as the case may be, for the purpose of resolving the disputes. In



the event of instituting any Civil suit or proceedings, the observations made by the Revenue Authority in the impugned proceedings dated 07.08.2017 cannot be construed as conclusive evidence but it is to be taken as an Advisory observation and it is to be considered based on the documents and evidences available on record.

With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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S.M.SUBRAMANIAM, J.

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