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WP No. 5777 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 5777 of 2025

S.A.Mohamed Ibrahim

Petitioner(s)

Vs

1. Union Of India Represented By
The Secretary To Government (Revenue),
Registration Department,
Government Of Puducherry,
Chief Secretariat, Beach Road,
Puducherry-605 001

2.The Special Secretary (Revenue)-Cum District Collector
Office of the District Collector,
Government Of Puducherry,
1st Floor New Revenue Complex,
Vazhudavur Road,
Pettaiyan Chathiram,
Puducherry-605 009.



WEB 3. The Deputy Collector (revenue) Cum Authorised Officer (land Reforms)

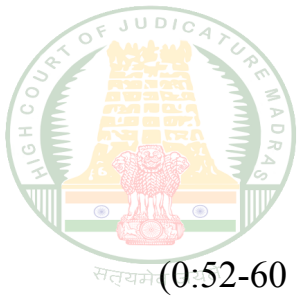
Office of the District Collector,
Government Of Puducherry,
1st Floor New Revenue Complex,
Vazhudavur Road,
Pettaiyan Chathiram,
Puducherry-605 009.

4. The District Registrar
Office Of The District Registrar,
Kamaraj Salai,
Sakthi Nagar,
Saram,
Puducherry-605 013.

5. The Sub Registrar
Office of Sub Registrar,
Kamaraj Salai,
Sakthi Nagar,
Saram,
Puducherry-605 013.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 4 to defreeze the GLR value of property situated at Pudukai R.D., Puducherry Sub-R.D., Ariyankuppam, Manaveli Revenue Village, Village No.70, total land measuring to an extent of 1:14:60 (HAC) comprised in Cadastre Nos. 608/2/5



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(0:52-60 HAC) and 608/3/5 (0:62:00 HAC), bearing Resurvey No.207/9 and consequently direct the respondent No.5 to accept the sale deed to be presented by the petitioner for registration in respect of the aforesaid property.

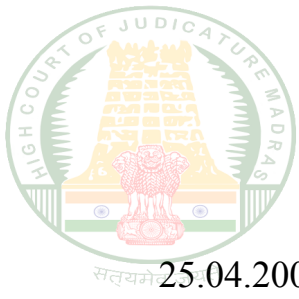
For Petitioner(s): Mr.Prakash Adiapadam

For Respondent(s): Mr.A.Tamilvanan
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing respondents 1 to 4 to defreeze the GLR value of the property and consequently, direct the 5th respondent to accept the Sale Deed that was presented by the petitioner for registration with respect to the subject property.

2.The case of the petitioner is that the subject property was originally owned by one Dhatchnamoorthy who died intestate on 26.06.1951 and the property was inherited by his daughter Logambal. She had executed a registered Will dated 28.12.1990 registered as Document No.43/1990, whereby, the property was bequeathed in favour of one Ramakrishnanan. The said Logambal died on 21.07.2000. Later, the said Ramakrishnanan executed a Will dated



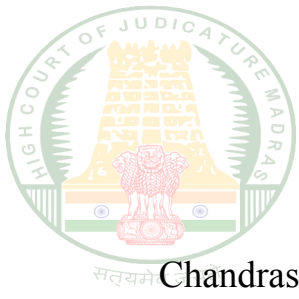
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25.04.2001 which was registered as Document No.30/2001 and it was bequeathed in favour of the petitioner. Thus, the petitioner was claiming right over the property.

3. During the interregnum period, the 3rd respondent initiated proceedings under the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (herein after referred to as “the Act”) on 07.01.1991. The final statement was published and the surplus lands were declared.

4. The petitioner submitted a representation dated 20.09.2023, before the 3rd respondent to defreeze the GLR value of the property in order to enable the petitioner to deal with the property. Since the same was not considered, the present writ petition came to be filed before this Court.

5. The respondents have filed a counter affidavit. They have taken a stand that land reforms proceedings were initiated against the assessee Tmt. Padmini



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Chandrasekaran with respect all her properties to a total extent of 21.60.85

HAC or 14.1824 Standard Hectares, out of which, 13-34-30 HAC or 8.1824 Std.

Hectares were declared as 'Surplus portions of lands'. Thereafter, the petitioner

started claiming right over the property by virtue of a Will dated 25.04.2001.

The specific stand taken is that the subject property viz., the lands at Cadastre

Nos.608/2/5 and 608/3/5 comprised in R.S.No.207/9 of Manavelly Revenue

Village is not covered in the schedule of property listed in Sl.No.1 to 194 of the

Will deeds relied upon by the petitioner. The further stand is that the disputed

properties are covered under the surplus portion and the “Proceedings of Taken

over Possession” was done on 31.10.1991 and the disputed lands have already

vested with the Government and the GLR value was also frozen by the

Authorized Officer in the year 2008. Under such circumstances, the respondents

have sought for dismissal of this writ petition.

6. When the matter came up for hearing on 17.03.2025, this Court passed the following order:



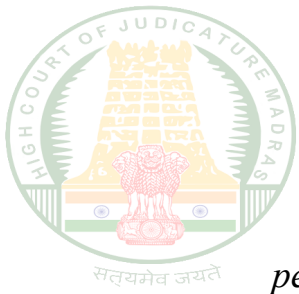
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Pursuant to the earlier order passed on 24.02.2025, the matter was listed for hearing today.

2. Learned Additional Government Pleader appearing on behalf of respondents produced the written instructions received from the third respondent. The third respondent has taken a stand that the subject matter of lands comes under the surplus portion of the land reforms proceedings and therefore, the relief as sought for by the petitioner has been contested.

*3. Learned counsel for the petitioner placed reliance upon the judgment of the Division Bench of this Court in **S.Vaitheeswaran & others v. Union of India & others [2016 (4) LW 512]** and contended that there is a marked difference between Section 22 of the Pondicherry Act and Section 21 of the Tamil Nadu Act and therefore, even insofar as the land, which comes under the surplus portion, the Government can grant permission in writing for transfer of the property by way of sale, gift etc.*

4. Considering the issue involved in the present writ



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petition, it will be more appropriate for the respondents to file a counter in this case.

Post this writ petition on 01.04.2025 under the same caption. In the mean time, counter shall be filed.

7. Heard Mr. Prakash Adiapadam, learned counsel appearing on behalf of the petitioner and Mr. A. Tamilvanan, learned Additional Government Pleader appearing on behalf of the respondents.

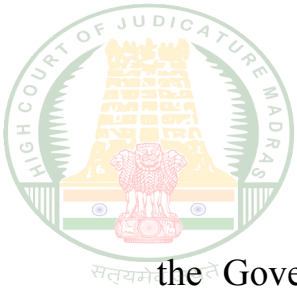
8. In the considered view of this Court, the Division Bench judgement that was relied upon by the learned counsel for the petitioner will not have any application to the facts of the present case. The property that was bequeathed in favour of the petitioner cannot be taken to be a transfer of property, and Section 22(2)(a) of the Act will not include within its ambit a property that was bequeathed by way of a Will. It only talks about a transfer by way of a gift, sale etc., and the word “otherwise” must be read *ejusdem generis*. In the Division Bench judgement relied upon by the learned counsel for the petitioner, it was



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clearly a case of transfer of property by means of five Sale Deeds. The ratio in that judgement cannot be applied in the facts of the present case since it is not a case of transfer of property and it is a clear case of property being bequeathed in favour of the beneficiaries by the executor of the Will and the property has devolved and not transferred.

9. In view of the above, it must be seen as to whether the executor of the Will had any right to execute the Will. On going through the records, it is seen that the Government had already notified the extent of surplus lands as required under Section 17(1) of the Act in the Gazette dated 13.09.1976. As a result, by operation of Section 17(3), the surplus lands becomes vested in the Government free from all encumbrance with effect from such date of publication. Once the lands are vested with the Government, there is no question of the land owner executing a Will with respect to the surplus lands in favour of any person. Based on such a Will, the petitioner can never claim any right over the property and the benevolence that has been contemplated under Section 22(2)(a) of the Act for



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the Government, will not apply to the case in hand. The Division Bench judgement that was relied upon by the learned counsel for the petitioner will not have any application to the facts of the present case.

10. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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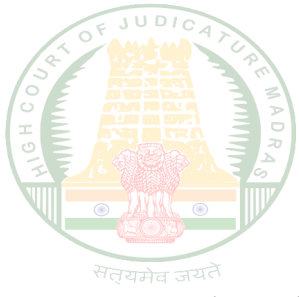
To

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Office of Sub Registrar,
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N.ANAND VENKATESH J.

SSR

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