



WEB COPY

WA No. 2966 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

WA No. 2966 of 2021

1. J. Ganessin

S/o. Late Jayaraman

Appellant(s)

Vs

1. The Tahsildar

Settlement Office-I

Survey And Land Records

Pondicherry-13

Respondent(s)

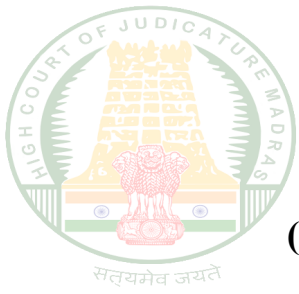
PRAYER

To allow this Writ Appeal by setting aside the impugned order passed in WP No.12608 of 2011 dated 04.08.2021.

For Petitioner(s): Mr.J.Ganessin (Party-in-Person)

For Respondent(s): Mr.J.Kumaran

Additional Government Pleader (Puducherry)



JUDGMENT

(Judgment of the Court was made by S.M.Subramaniam J.)

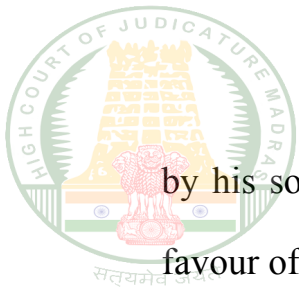
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The writ order dated 04.08.2021 in W.P.No.12608 of 2011 is sought to be assailed in the present Intra-Court Appeal filed under Clause 15 of the Letters Patent.

2. The petitioner appearing in person would mainly contend that during the pendency of the writ petition, he filed a miscellaneous petition seeking amendment of relief, which was not considered by the Writ Court and a final order has been passed without considering the property belonging to him in Survey No.232 measuring to an extent of 93.40 Ares. Without considering the petition seeking amendment of prayer, the writ petition came to be dismissed, which resulted in filing of the present writ appeal.

3. As per the French Sale Deed executed in the year 1928 Thiru. Arunachala Chettiar remains titleholder for various properties of Mudaliarpet Commune of Orleanpet, which includes the properties described in,

- (i) item no. 13 as Cadastre No.236 measuring an extent of 41.80 Ares;
- (ii) item no.18 as Cadastre No.238 measuring an extent of 50.75 Ares;
- (iii) item no.5 s Cadastre No.232 measuring an extent of 93.40 Ares;
- (iv) item no.11 & 22 measuring an extent of 12.70 Ares and 50.50 Ares, respectively. After the death of Arunchala Chettiar the properties were inherited



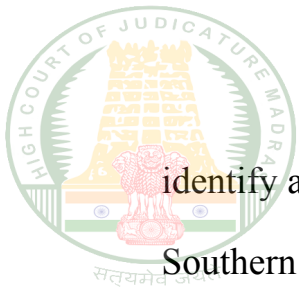
by his son Jayarama Chettiar who in turn executed a Will in the year 2008 in favour of the appellant herein.

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4. The contention of the appellant in person is that the property measuring to an extent of 93.40 Ares in Survey Nos.232 ½ and 232 2/2 has not been covered under the order of the settlement officer. Therefore, he filed writ petition seeking a direction to the respondent to pass appropriate order of rectification of patta in the petitioner's name on the basis of the records in respect of the properties forming the subject matter of proceedings No.SP 1211/E-I-F-I/2001 pending on his file by impleading him as legal representative of his deceased father in the case.

5. We have considered the pleadings and documents made between the parties.

6. It is not in dispute that the settlement officer passed an elaborate order under Section 23(1) of the Pondicherry Settlement Act, 1970. Perusal of the said order reveals that the said property in Survey No.232 measuring to an extent of 93.40 Ares is also covered. Pertinently, the settlement officer made a finding that during the course of demarcation of the field, the appellant identified certain fields as is owned by him, more specifically the fields covering “North to Maraimalai Adigal Salai, East to Thiruvallurvar salai”, but was unable to

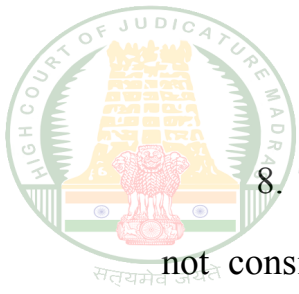


identify and close the properties alleged to be owned by him in the Westerly and Southern directions. However, during the enquiry, the appellant admitted that he

does not know the location of the properties alleged to be owned by him.

Therefore, the settlement officer found that the appellant is not in possession of the subject properties under issue for the past 50 years and failed to maintain the subject properties. The appellant is unable to locate the fields allegedly owned by him, reveals that the appellant is not in possession and enjoyment of the properties. Under those circumstances, the settlement officer declined to grant patta in his name.

7. This Court is not inclined to appreciate the said findings at this juncture, in view of the fact that the appellant has already preferred an appeal before the appellant authority/Director of Survey and Land Records, Puducherry under Section 21(1) of Puducherry Settlements Act, 1970. The said appellate authority has to decide the issues independently on merits, and in accordance with law. That apart, disputed facts of civil nature cannot be adjudicated in a writ proceedings. The High Court, in exercise of powers of judicial review under Article 226 of the Constitution of India, cannot conduct a roving enquiry in respect of the property rights of the petitioner, and that being the scope of the writ proceedings, the learned Single Judge is right in dismissing the writ petition.



8. The contention raised by the petitioner that amendment petition was not considered by the Writ Court is immaterial, since the said property in Survey No.232 measuring to an extent of 93.40 Ares has already been covered under the order of the settlement officer dated 01.03.2010, which is presently subjudice under the appeal before the appellate authority under Section 21 of the Pondicherry Settlement Act, 1970. It is for the petitioner to pursue the appeal which is pending before the competent appellate authority. Even after disposal if the petitioner is aggrieved, still he has to approach the competent Civil Court of law for the purpose of establishing his civil rights. Contrarily, the writ Court cannot adjudicate the disputes of civil nature, and that being the principles to be followed, this Court do not find any infirmity in the writ order impugned. Accordingly, the writ order in WP No.12608 of 2011 dated 04.08.2021 is confirmed. Consequently, the present writ appeal is dismissed. The connected miscellaneous petitions, if any, are closed. No costs.

(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)

01-09-2025

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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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1.The Tahsildar
Settlement Office-i Survey And Land
Records Pondicherry-13



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