



WEB COPY



W.P.No.32604 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No. 32604 of 2025

and

W.M.P.No. 36538 of 2025

Mr.RENGASAI

..Petitioner

Vs

1 THE UNION TERRITORY OF PUDUCHERRY
REP. BY.THE DISTRICT COLLECTOR, PUDUCHERRY.

2 THE TAHSILDAR- CUM- CHAIRMAN
ADMINISTRATIVE ADVISORY COMMITTEE
TALUK OFFICE, OULGARET.

3 Mr.HARIRAMAN

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records of the 2nd respondent dated 31.05.2024 passed in No.6188/TOO/LG/E/2022 and quash the same.

For Petitioner : Mr.V.S.Senthilkumar

For Respondents1 and 2 : Mr.M.Nirmalkumar

Government Advocate(Puducherry)

Order

By consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.



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2. The challenge in this Writ Petition is to the order passed the 2nd respondent dated 31.05.2024 and to quash the same.

3. Learned counsel for the petitioner would submit that the petitioner's mother purchased a property in question from one Gnanambal vide a sale deed dated 28.06.2014; that thereafter, the petitioner's mother executed a settlement deed dated 25.07.2019 in favour of the petitioner and since then, the petitioner is the absolute possession and enjoyment of the property; that the petitioner also obtained patta in his name, however, third respondent has given a complaint to the first respondent, alleging that he (third respondent) is the owner of the property by virtue of a sale deed dated 06.10.1989 and that the petitioner grabbed the property by mutation of patta and requested the first respondent to take appropriate action against the petitioner; that the first respondent forwarded the said complaint to the second respondent for necessary action and the second respondent passed an order dated 31.05.2024, whereby, the petitioner has been advised to take appropriate proceedings in accordance with law to get possession of the said property, and the third respondent has also been advised to seek remedy



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through competent forum, and based on the order passed by the second respondent, third respondent already filed a suit in O.S.No.233 of 2024 and now, the petitioner apprehension is that whether the Civil Court would proceed to deal with the suit only based on the report filed by the second respondent and hence, challenging the said order, the petitioner has filed this Writ Petition.

4. The learned Government Advocate for respondents 1 and 2 would submit that by virtue of the impugned order, the second respondent has directed not only the third respondent to work out his remedy before the appropriate forum seeking right/title/interest over the property in dispute, but also the petitioner as well, and therefore, if at all, the petitioner claims himself to be the absolute owner of the property in question, certainly, he has to work out the remedy before the Civil Forum, and the Writ Petition challenging the order of the second respondent is a pre-mature one and hence, prays for dismissal of the same.



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5. I have given due considerations to the submission made by the

learned counsel for the petitioner and the learned Government Advocate for respondents 1 and 2. As the writ petition is taken up for disposal at the stage of admission itself and considering the nature of order that is to be passed hereunder, this Court is of the view that the third respondent need not be served with any notice. Accordingly, notice to the third respondent is dispensed with.

6. It is the case of the petitioner-Rengasai, that he is the absolute owner of the property in question by virtue of a sale deed dated 25.07.2019. Per contra, third respondent also claims right over the same property by virtue of a sale deed dated 06.10.1989. Thus, when both the parties claims right/title/interest over the same property, obviously, they are supposed to approach the Civil Court to establish their right over the property, and accordingly, the second respondent, by virtue of the impugned order, has rightly relegated both the parties, viz., the petitioner and the third respondent to approach the Civil Court to establish their title over the property in dispute. Therefore, this Court does not find any reason to



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interfere with the impugned order passed by the second respondent and the apprehension expressed by the petitioner that pursuant to the order passed by the second respondent, the third respondent has already filed a suit in O.S.No.233 of 2024 and the Civil Court would now proceed to decide the issue based on the report filed by the Advisory committee alone is baseless, inasmuch as, when it comes to issue of deciding right/title/interest over the property, the Civil Court would necessarily seek in for the parties to let in evidence (both oral and documentary) and based on such evidence only, complicated and disputed question of facts could be decided.

7. In such view of the matter, the Writ Petition deserves no merits and it is liable to be dismissed. Accordingly, the same is dismissed. No costs. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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