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WP No.488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 488 of 2025

1. G.Subbaiah
2. G.Sundaramoorthy
3. G.Saravanan

... Petitioners

Vs.

The Director,
Land Survey and Records Department,
Government of Puducherry,
Puducherry

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to consider and pass orders on his representation date 16.12.2019 taken as file No.8603/2019-23/1, within the stipulated time fixed by this Court on merits as per the law.

For Petitioner : Mr. T.R.Sivaram

For Respondent : Mr.M.Nirmal Kumar
Government Advocate (Puduchery)



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ORDER

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This Writ Petition has been filed seeking a mandamus to the respondent herein to consider and pass orders on his representation dated 16.12.2019 taken as file No.8603/2019-23/1, within the stipulated time fixed by this Court.

2. It is the case of the petitioners that the property in Natham S.Nos.59/23 and 59/24 belongs to their family and they have been in enjoyment of the same much prior to the year 1918 when the petitioners' father was born. During the Natham survey conducted by the respondents, the officials of the respondents had surveyed the entire properties along with other properties in the aforesaid survey numbers and granted joint patta on 27.12.1980 in the name of the petitioners herein.

3. It is the further case of the petitioners that the Natham S.No.59/23 consisted of their houses and Natham S.No.59/4 is a Garden, which is also in their possession and ownership. Since patta was not granted to them with respect to S.No.59/24, the petitioners made an enquiry and came to learn that the said survey number has been classified as a Government plot in the



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records of the respondent. This runs contrary to the situation of the lands on site, since all the other properties around the said lands are Natham properties. The petitioners made a representation to the Director of Survey and Land Records under the Right to Information Act on 01.06.2023 to provide the details as to when the Natham land had changed into Government lands in respect of S.No.59/24. A reply was received from the Office of the Public Information Officer-cum-Settlement Tahsildar on 30.06.2023 stating that the intimation as requested was not available in their office. Against the said order, the petitioners have filed an appeal before the first Appellate Authority, namely, the Director, Department of Survey and Land Records, Revenue Complex, Saram, Puducherry who had also stated that the information was not available. Aggrieved by the same, the petitioners have moved the second Appellate Authority, namely, the Central Chief Information Commissioner (CIC), New Delhi and the same is pending.

4. Since the classification of the petitioners' property was wrongly assigned, they made a representation dated 16.12.2019 to the respondent to to conduct an enquiry and grant patta in respect of Gadasthar No.1015 part, New Survey No.59/24. After the representation was submitted, an official of



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the respondent had visited and measured the property. However, no orders have been forthcoming from the respondent. Therefore, the petitioners are before this Court seeking a consideration of the representation.

5. Heard Mr.T.R.Sivaram, learned counsel for the petitioners and Mr.M.Nirmal Kumar, learned Government Advocate(Puducherry), appearing for the respondent.

5. The authority, who is bound to grant patta, has failed to discharge his statutory duties, which has constrained the petitioner to approach this Court. A representation has been made as early as on 16.12.2019 and despite the passage of 5 years, to date no steps have been taken beyond a visit to the property and measuring it. Therefore, since this order has been pronounced in the presence of the learned Government Advocate, a mandamus is issued to the respondent to consider and pass orders on the petitioners' representation dated 16.12.2019 on merits and in accordance with law, within a period of 2 weeks from today. In case of the rejection, the 1st respondent shall pass a speaking order. Accordingly, the Writ Petition is allowed. No costs.



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Index : Yes/No

Internet : Yes/No

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Note : Issue order copy on 10.01.2025

To

The Director,
Land Survey and Records Department,
Government of Puducherry,
Puducherry



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P.T. ASHA, J,

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