



WEB COPY



WP No.16828 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.16828 of 2020

S.Arokiyadoss

.. Petitioner

-vs-

1. The District Collector,
Revenue Department,
Puducherry.

2. The Director,
Survey and Land Records,
New Saram, Puducherry.

3. A.K.Sai J.Saravanan Kumar
(Intervenor added vide order dt.11.08.2025
made in WMP.22103/2024)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing to call for the records of the respondents with No. NIL dated 15.10.2020 in respect of the select list for grant of free mana patta and to quash the same and consequently to direct the respondents to prepare a select list as per rules after following the prescribed procedure as declared by this Honble Court in W.P.No.7605 of 2019.



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For Petitioner : Mr.V.Ajayakumar
For Respondents : Mr.V.Vasanth Kumar
Addl. Govt. Pleader (Puducherry)

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition has been filed by the petitioner assailing and calling in question the preparation of selection list by the official respondents in the matter of allotment of free house site patta.

2. The substance of the challenge as contained in the writ petition is that after this Court quashed the entire process of selection vide its order dated 16.06.2019 in W.P.No.7605 of 2019, the respondent authorities have again committed serious illegality in preparation of the list.

3. The reply of the respondents, however, opposes the submission and submits that after the order was passed by this Court on 06.06.2019, the authorities again proceeded to prepare the list in accordance with the applicable rules.



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4. This Court had earlier directed the respondents to produce the records. Upon perusal of the records, which were placed before this Court, on 06.01.2026, this Court observed as below:

"During the course of hearing, in order to verify as to whether proper enquiry was made by Tahsildar and the Committee constituted to verify and scrutinise, held its meeting or not and whether it approved the enquiry report, certain records were placed before us. Upon perusal, we find that the enquiry report does not bear the signature/seal of the Tahsildar or any of the officials of the respondents.

There are no minutes of meeting signed by the Members of the Committee said to be constituted as per the averments made in para 12 of the counter-affidavit. The select list also does not bear the signature of any of the Members of the Committee.

2. At this stage, learned counsel for the State, upon instructions, would submit that some of the records which have been placed before the Court are only photocopies and not originals."

4.1. The respondents were directed to produce all the original records and whatever records were produced for perusal of this Court



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were directed to be sealed and kept under the custody of the Registrar-Judicial for being produced at the time of next hearing.

5. We have gone through the order which was passed earlier by this Court on 06.06.2019. The petition was filed seeking direction to the official respondents to publish notification calling for applications from eligible persons for grant of free house patta and undertake selection process strictly on the basis of eligibility and applicable rules.

5.1. By a detailed scrutiny of the entire process of selection, this Court finally came to the conclusion that the entire process of selection is vitiated due to illegality and arbitrariness in the selection process. Following observations were made in paragraph 17:

"17. File has a note, named as enquiry report for issue of Free House Site Patta in R.S.No.94/2, in koodapakkam revenue village of Ossudu Constituency, with remarks, as to whether, the applicants own a house or plot, and other details. The said so called enquiry report is not signed. Enquiry report also does not contain, as to when, field inspection was conducted, and who has conducted the field inspection and verified the details mentioned in the so called report. During the course of hearing, learned Additional Government Pleader, candidly



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admitted that there is no other file, other than the one produced before the Court."

5.2. After taking into consideration the entire material on record, this Court was inclined to set aside the entire process of selection and the following order was passed:

"19. Though petitioner has sought for a writ of mandamus, to direct the respondents to publish a notification calling for applications from the eligible persons for grant of free patta and to select candidates strictly on the basis of their eligibility and rules, considering the fact that files do not reflect that a proper procedure has been followed for selecting the applicants, for allotment of free pattas, we deem it fit to mould the prayer into that of writ of certiorari and accordingly, set aside the entire selection process and the consequential tentative list of selected applicants.

20. We further direct the 2nd respondent to follow the procedure contemplated in Pondicherry Land Grant Rules, 1975 and assign free pattas. Said exercise shall be completed within two months, from the date of receipt of a copy of this order."

5.3. It is clear from the order passed by this Court that the entire selection process and the consequential tentative list of selected



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candidates was set aside. A direction was issued to the second respondent to follow the procedures contemplated in Pondicherry Land Grant Rules, 1975 and then assign free pattas.

6. From the reply of the respondents, it is clear that even though the entire selection process was set aside, the respondents did not start with fresh process of selection. Whatever applications were already received alone were made a basis to proceed with the further course of process of selection.

7. In our considered view, the order of this Court quashing the entire process of selection included the process of inviting applications by whatever mode. It is informed to the Court that earlier applications were invited by beat of drum. Be that as it may, once the entire process of selection is set aside, nothing remains, much less, the applications which were received through invitation by beat of drum. The only course open for the respondents was to again invite fresh applications and then proceed in accordance with law as directed by this Court.



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8. Irrespective of whether or not subsequent proceedings were correctly drawn, we are of the view that for that reason alone, the proceedings which were drawn by the respondents are illegal and in violation of order passed earlier.

9. Accordingly, this writ petition is allowed. The entire selection process and the list prepared by the respondents are set aside. The respondents are directed to initiate fresh process of selection by appropriate mode, manner and procedure provided under Pondicherry Land Grant Rules, 1975. There shall be no order as to costs.

The records, which were under the custody of Registrar-Judicial be handed over to the learned counsel for the respondents and acknowledgement be obtained on the files.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
28.01.2026

Index : Yes/No
Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

(sra)

To

1. The District Collector,
Revenue Department,
Puducherry.
2. The Director,
Survey and Land Records,
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