



WEB COPY



W.P.No.40045 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.40045 of 2025
and
W.M.P.No.44986 of 2025

D.Muthaiyan

... Petitioner

Vs.

1.The Director of Survey and Land Records,
Government of Puducherry,
Puducherry.

2.Sumathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the Proceedings No.1696/DOS/ST-II/LGR/R1-5/2024 on the file of the 1st respondent, and quash the same.

For Petitioner : Ms.P.V.Rajeswari

For Respondents : Mr.V.Vasanthakumar

Additional Government Pleader (P) [R1]

Mr.N.U.Pressanna [R2]

ORDER

This writ petition has been filed challenging the impugned proceedings No.1696/DOS/ST-II/LGR/R1-5/2024 of the 1st respondent,



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dated 20.11.2024, calling upon the petitioner for enquiry on 05.12.2024 to consider the 2nd respondent's representation through the legal notice seeking for cancellation of the petitioner's patta for the property morefully described in the prayer to this writ petition.

2. The grievance of the petitioner in this writ petition is that, without any basis, the petitioner has been called upon to participate in the enquiry proceedings. According to the petitioner, without any formal application and without any supporting documents, based on the legal notice sent on behalf of the 2nd respondent, the 1st respondent has entertained the same and has issued the impugned proceedings calling upon the petitioner to come for enquiry. The petitioner claims that he is the absolute owner of the property morefully described in the affidavit filed in support of this writ petition and he also claims that a valid patta has been issued in his name by the revenue authorities and therefore, the same cannot be cancelled.

3. Admittedly, no final orders have been passed pursuant to the impugned proceedings, dated 20.11.2024, and the petitioner has only been called upon to come for enquiry through the impugned proceedings.



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Whatever the contentions that have been raised in the affidavit filed in support of this writ petition can very well be raised by the petitioner by sending a detailed reply/objections with regard to the impugned proceedings initiated by the 1st respondent on a request made by the 2nd respondent through his lawyer for cancellation of the petitioner's patta.

4. The petitioner claims that if at all the representation of the 2nd respondent through his lawyer can be adjudicated, it can be adjudicated only by a competent civil court and not by the revenue authorities. The said objection, which has been raised through this writ petition can very well be raised by the petitioner before the 1st respondent by producing supporting documents to substantiate the petitioner's contention that he is the absolute owner of the property and he is in possession of the same and therefore, the patta cannot be cancelled.

5. Instead of waiting for a final decision to be made by the 1st respondent based on the objections already raised by the petitioner through a reply sent by the petitioner to the 1st respondent, the petitioner has prematurely filed this writ petition. The petitioner has already submitted a reply on 14.03.2025 to the 1st respondent along with



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supporting documents, which is identical to the objections that have been raised by the petitioner through this writ petition.

6. Since the petitioner has filed this writ petition prematurely without allowing the 1st respondent to take a final decision on the petitioner's objections, this Writ Petition is disposed of, by directing the 1st respondent to consider the objections raised by the petitioner through his reply, dated 14.03.2025 and if required, thereafter conduct an enquiry by calling upon the petitioner as well as the 2nd respondent to come for enquiry and by holding a proper enquiry, the 1st respondent is directed to pass final orders and take a decision on the 2nd respondent's representation through a legal notice issued by her seeking for cancellation of the petitioner's patta, on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

06.01.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

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



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ABDUL QUDDHOSE, J.

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