

S.Sekar Vs. District Collector

S.Sekar Vs. District Collector

SooperKanoon Citation : sooperkanoon.com/1167307

Court : Chennai

Decided On : Jul-31-2013

Judge : M.Jaichandren

Appellant : S.Sekar

Respondent : District Collector

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :31.07.2013 C O R
A M : THE HONOURABLE MR.JUSTICE M.JAICHANDREN Writ Petition No.2215
of 2013 S.Sekar .Petitioner versus 1.The District Collector, Dept.

Of Revenue & Disaster Management, Puducherry.

2.The Directorate of Survey and Land Records, [Settlement Section-1],
Puducherry.Respondents PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India, praying to issue a writ of certiorarified mandamus, calling for
the records of the 1st respondent, dated 15.11.2012, in proceedings
No.6097/Rev/B2G/2008, and proceedings No.7658/ST-1/E-3/2012, dated
29.11.2012, passed by the 2nd respondent and quash the same, and
consequently direct the respondents to make necessary corrections in the entries
in the revenue records, in respect of property situated in R.S.No.90/7,
Karuvadikuppam Revenue Village, based on the petition, dated 10.9.2012
submitted by the 2nd respondent.

----- For petitioner: Mr.G.Padmanapan For respondents: Mr.K.R.Harin, AGP [Pondy].-----

ORDER

This Writ Petition has been filed challenging the proceedings of the 1st respondent, dated 15.11.2012, and the consequential proceedings of the 2nd respondent, dated 29.11.2012.

2.

The 1st respondent, in his proceedings, dated 15.11.2012, had directed the parties to the proceedings before him, to maintain status quo, till the disposal of the Civil Suits preferred by them, by the Courts concerned.

He had also stated that it would be open to the parties concerned to prove their title and ownership over the property in dispute, before the Courts having the jurisdiction to do so.

Only thereafter, the necessary changes could be carried out in the Settlement Register.

Following the said order, the 2nd respondent had issued the proceedings, dated 29.11.2012, stating that the entries in the Settlement Register cannot be altered, due to the order of status quo, passed by the 1st respondent, by his proceedings, dated 15.11.2012.

3.

The learned counsel appearing on behalf of the respondents had referred to paragraph No.23 of the impugned proceedings of the 1st respondent, dated 15.11.2012.

Paragraph No.23 of the said proceedings reads as follows:- ".23.

From the commencement of the proceeding, the petitioners have requested this Authority to conclude enquiry as the issue is sub judice because the

fiRs.respondent has filed two suits in the civil court viz., O.S.No.215 of 2008 and 358 of 2006 and had prayed for title and ownership of the property.

The petitioners have also file O.S.No.110 of 2008 before the Principal District Munsif, Puducherry regarding this dispute.

Similarly, Thiru.S.Segar, the Second Respondent has also submitted that the dispute is pending before the civil courts and hence requested this Authority to defer / close this proceedings with directions to seek legal remedies."

In view of the pendency of the Civil Suits, in O.S.Nos.215 of 2008, 358 of 2006 and 110 of 2008, the 1st respondent had directed the parties to maintain status quo, in respect of the land in question, till the said Civil Suits were disposed of, as per law.

He had also stated that the entries in the Settlement Register shall remain in the names of the petitioneRs.namely, Palanivelu and Thenmozhi, until the respondents in the said proceedings, including the petitioner, prove their title and ownership over the property in dispute, before the Courts having the jurisdiction to settle the disputes.

4.

The learned counsel appearing on behalf of the respondents had also submitted that the petitioner cannot have any grievance, as he cannot be said to be an aggrieved party.

The order passed by the 1st respondent cannot be held to be incorrect or arbitrary, as the 1st respondent cannot settle the disputes, which are pending before the Civil Courts, in O.S.Nos.215 of 2008, 358 of 2006 and 110 of 2008.

M.JAICHANDREN, J.

In such circumstances, the 1st respondent had directed the parties concerned, to maintain status quo, in respect of the land in question.

The 2nd respondent had passed a consequential proceedings, dated 29.11.2012, following the directions issued by the 1st respondent.

5.

In these circumstances, it is clear that the petitioner cannot be an aggrieved party, at this stage.

It is for the petitioner to establish his right, if any, in respect of the property in question, before the Civil Courts concerned, in the manner known to law.

As such, this Court is of the considered view that the present Writ Petition does not have any merit, and accordingly, it stands dismissed.

No costs.

M.P.No.1 of 2013, is closed.

gs.

31st July, 2013.

Index:Yes/No Internet:Yes/No.To 1.The District Collector, Dept.

Of Revenue & Disaster Management, Puducherry.

2.The Directorate of Survey and Land Records, [Settlement Section-1]., Puducherry.

WP NO.2215 of 2013

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com