



W.A.(MD)No.2705 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2026

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CORAM

THE HONOURABLE MR.JUSTICE **C.V. KARTHIKEYAN**

and

THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

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and

C.M.P.(MD)No.15317 of 2025

- 1.Vanathi
- 2.Saravanan
- 3.Shanmugam
- 4.Venkatesan
- 5.Deepa
- 6.Mallika
- 7.Rajkumar Pandian
- 8.Chellammal

... Appellants

vs.

Selvam @ Selvakumar (died)

- 1.S.Chandra
- 2.D.S.Janani
- 3.D.S.Jegan

4.The District Revenue Officer,
Theni District.

5.The Revenue Divisional Officer,
Periyakulam, Theni District.



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6.The Tahsildar,
Taluk Office,
Theni District.

7.M.Sermakani (Died)
8.A.Manoharan
9.Sivakumar
10.M.Sundarapandian
11.R.Abirami
12.M.Latha
13.N.Bharathamani

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to allow the Writ Appeal by modifying the order passed in W.P.(MD)No. 7365 of 2009, dated 08.07.2021 so as to include the appellants 1 to 8 and also respondents 8 to 13 along with respondents 1 to 13 to get the benefit under the Revenue Standing Order 45.

For Appellants	:Mr.V.Chandrasekar
For R1 to R3	:Mr.C.Ganesh Kumar
For R4 to R6	:Mr.M.P.Senthil
	Government Pleader
R7	:Died

JUDGMENT

(Judgment of this Court was delivered by **C.V. KARTHIKEYAN, J.**)

The 7th respondent had died. A memo had also been filed stating that the legal heirs need not be substituted. The said memo is recorded.



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The Registry may record in the cause title that the 7th respondent had died.

2.The appellants are third parties to the Writ Petition in W.P.(MD)No.7365 of 2009, but, after obtaining leave of this Court, filed the present Writ Appeal.

3.The said Writ Petition had been filed by the private respondents in the nature of a Certiorarified Mandamus seeking records relating to an order of the 3rd respondent/Tahsildar, Theni, dated 18.06.2009 and to quash the same and direct the 3rd respondent to issue patta to the Writ Petitioners with respect to 2.75 acres of land in S.Nos.367/1 and 376 in Unjampatty Village, Periyakulam, Theni Taluk, in accordance with the orders of the second respondent, Revenue Divisional Officer, Periyakulam, dated 24.10.2008.

4.The learned Single Judge had examined the compromise said to have been entered into by all the parties before the Writ Court with



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respect to collection of arrears of loan to be paid to the Government under the Land Improvement Scheme. Thereafter, the terms of the compromise had been recorded by the learned Single Judge and we would extract the relevant portion of the compromise:

“1.The 4th respondent has no objection for allowing the above writ petition and issuing patta in favour of the petitioners in respect of 2.75 acres of land in S.No.367/1 and S.No.376 of Unjampatty Village, Theni Taluk and District after collecting the arrears as per the order of the 2nd respondent in Na.Ka.No.5039/2008/A3, dated 24.10.2008.

2.The petitioners hereby undertake to execute sale deed conveying 1 acre 37.5 cents out of 2.75 acres of land in S.No. 367/1 and S.No.376 of Unjampatti Village, Theni Taluk and District in favour of the 4th respondent after obtaining patta from the respondents 1 to 3.

3.If the petitioners fail to comply with the clause (2) of this compromise memo, the 4th respondent is at liberty to initiate contempt/appropriate proceedings against them.

4.There is no mutual claim between the petitioners and the 4th respondent.”



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5.The total amount had been crystallised and the learned Single Judge had directed deposit of a sum of Rs.2,50,000/- before the Tahsildar, Theni District.

6.It is the case of the appellants that they are also having a share over the said amount, which had been deposited and that the Writ Petition had been filed without impleading them as parties.

7.If the amount which had been crystallised, namely, Rs.2,50,000/- has to be divided in accordance with the shares of the private parties, it would only be appropriate that they approach the Civil Court. Neither the learned Single Judge nor this Court can examine the apportionment of the amount deposited. It is for the parties to let in evidence regarding their respective share and seek a decree for the division of the said amount, which had already been deposited. The learned Single Judge had however, quashed the order of the 3rd respondent dated 18.06.2009 and on the other hand, had directed the parties to approach the Civil Court. We do not find any infirmity with the order of the learned Single Judge.



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8.In the result, Writ Appeal stands dismissed directing the parties to approach the Civil Court in manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] [R.S.V., J.]
19.08.2026
(1/2)

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
cmr

To

1.The District Revenue Officer,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Tahsildar,
Taluk Office,
Theni District.



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