IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.02.2017**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.**23134 of 2009**
& M.P.No.1 of 2009

D.Kuppusamy .. Petitioner

Vs.

1. The District Revenue Officer
   Collectorate
   Thiruvannamalai District

2. Tahsildar
   Thiruvannamalai District

3. The Municipal Surveyor
   Municipality
   Tiruvannamalai District

4. Murugan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, calling for the records from the file of Na.Ka.M3/19523 of 2009 dated 5.10.2009 from the file of the 1st respondent and quash the same forbearing the 3rd respondent either from creating encumbrance or from alienating the land in Thiruvannamalai Town, Award No.4, Block No.6 in S.No.237/1B, 0.16 cents out of which 0.55 cents.

For petitioner : Mr.A.K.R.Ravi
For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R1 to R3
Mr.D.Rajagopal for R4

ORDER

Today Mr.Kuppusamy/writ petitioner, T.K.Murugan/4th respondent and Mr.S.Dhanajayam, Special Tahsildar, Town Settlement, Thiruvannamalai/2nd respondent are present.

2. Murugan purchased 16 Cents of land out of 55 Cents in Thiruvannamalai Town, Ward No.4, Block No.6 in T.S.No.237/1B, new T.S.No.237/23 from one Radha by a Deed of Sale dated 16.10.2002. Thereafter, Murugan applied to the Tahsildar for mutation of reveune records and for issuance of patta for 16 Cents in his favour. The Tahsildar, Thiruvannamalai by order dated 16.12.2008 issued patta for 16 Cents in favour of Murugan. Kuppusamy, who is the brother-in-law of Radha (Radha's husband-Govindasamy's brother) filed an appeal before the Revenue Divisional Officer against the grant of patta to Murugan. The Revenue Divisional Officer by order dated 6.4.2009 cancelled the transfer of patta order passed by the Tahsildar. Aggrieved by the order of the Revenue Divisional Officer, Murugan filed a revision before the District Revenue Officer. The District Revenue Officer by order dated 5.10.2009 reversed the order of Revenue Divisional Officer and restored the order of

Tahsildar. Aggrieved by the order of the District Revenue Officer, Kuppusamy filed the present revision and obtained an interim order of stay on 11.3.2010.

3. It appears that Kuppusamy and Murugan have arrived at a compromise and they have filed a joint memo dated 26.7.2016 before this Court, wherein it is stated as follows:

> "It is submitted that the petitioner herein filed a writ petition to quash the order passed by the first respondent herein, i.e., the District Revenue Officer, dated 5.10.2009 in Na.Ka.No.M3/19523/2009.The said writ petition is pending before this Hon'ble Court. The 4th respondent herein purchased the property in respect of Thiruvannamalai Town Ward No.4, Block No.6 in T.S.No.237/1B, new T.S.No.237/23 with an extent of 16 Cents out of 55 cents. This respondent obtained a patta from the Tahsildar, Thiruvannamalai. Aggrieved against the granting of patta, this writ petitioner filed an appeal before the Revenue Divisional Officer (R.D.O.). The Revenue Divisional Officer set aside the issuance of patta in favour of the 4th respondent (Murugan) against which this respondent filed a revision petition before the District Revenue Officer. On 15.10.2009, the District Revenue Officer passed an order by confirming the order passed by the Tahsildar, Thiruvannamalai (issuance of patta in favour of Murugan). Now the

present writ petition challenging the District Revenue Officer order in this writ petition.

It is submitted that when the writ petition is pending before this Hon'ble Court, both parties arrived at a compromise that is the writ petitioner and the 4th respondent to settle the matter out of the court. This respondent has no objection to cancel the patta issued in his favour by the Tahsildar, Thiruvannamalai which was confirmed by the District Revenue Officer, Thiruvannamalai. So, the respondent is filing the memo before this Hon'ble Court.

Therefore, it is prayed that this Hon'ble Court may be pleased to record this memo and dispose of the writ petition in W.P.No.23134/2009 and thus render justice."

4. Kuppusamy and Murugan submitted that they have voluntarily arrived at the above said compromise.

5. In the light of the memo filed by Kuppusamy and Murugan, this Writ Petition is allowed and the impugned order Na.Ka.No.M3/19529/2009 dated 5.10.2009 passed by the District Revenue Officer and the Tahsildar, granting patta in favour of Murugan is set aside. It is open to the parties to work out their remedies in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.02.2017

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ajr

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P.N.PRAKASH, J.

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