

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.179 of 2011 and
M.P.No.1 of 2011

1. S.Ponnusamy
 2. C.Subramaniam
 3. U.R.Murugasamy
 4. K.N.Venkatachalam
 5. P.Ponnusamy
- ... Petitioners

Vs.

- 1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
 - 2.The Tahsildar,
Tiruppur Taluk,
Tiruppur District.
 - 3.K.Vasanthi
 - 4.Mu.Na.Jagadeeswaran
 - 5.N.Radhakrishnan
- ... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to his proceedings in Na.Ka.No.1051/2008/A2 dated 06.12.2010 and quash the same and consequently direct the respondents 1 and 2 to proceed in pursuance of the order of the 1st respondent dated 24.11.2010 in Na.Ka.No.1051/2008/A2.

For Petitioners : Mr.P.Valliappan

For Respondents : Mr.J.Pothiraj,
Spl. Govt. Pleader for R1 & R2
Mr.C.R.Prasanan for R4 & R5
No appearance for R3

O R D E R

The learned counsel for the petitioners would submit that a settlement has already been arrived at between the parties and requested this Court to allow the writ petition. A memo of compromise dated 16.04.2018 is also produced before this Court duly signed by both the parties with their respective counsel. The terms of the Memo of Compromise reads as under:

"1.The Petitioners have filed the above Writ Petition seeking to quash the proceedings of the 1st respondent in Na.Ka.No.1051/2008/A2 dated 06.12.2010 and direct the respondents 1 and 2 to proceed in pursuance of the order of the 1st respondent dated 24.11.2010 in Na.Ka.No.1051/2008/A2.

2.The 1st respondent having passed an order dated 24.11.2010 in Na.Ka.No.1051/2008/A2, again passed another order dated 06.12.2010 based on the objections made by the respondents 4 and 5 herein. The respondents 4 and 5 during the pendency of the proceedings before the Principal Subordinate Judge's Court at Tiruppur have settled the dispute amicably with the petitioners at the intervention of mediators and have filed a memo to dismiss the application in I.A.No.3133/2010 and by order dated 27.10.2017 the Principal Subordinate Judge's Court at Tiruppur dismissed the application in I.A.No.3133/2010 in A.S.CRF.No.20754/2010.

3.The petitioners and the respondents 4 & 5 herein submit that in view of the dismissal of the proceedings before the Principal Subordinate Judge's Court at Tiruppur the respondents 4 & 5 have no objection to allow the above Writ Petitioner by quashing the proceedings of the 1st respondent dated 06.12.2010 and directing the respondents 1 and 2 to comply with the order dated 24.11.2010 passed by the 1st respondent for mutation of Revenue Records including the names of the petitioners in respect of the properties situate in S.F.Nos.259/1 and 2 of Chettipalayam village to an extent of acres 6.33 as per the Sale Deed date d11.07.2008.

4. The respondents 4 and 5 further admit that the petitioners are the absolute owners

of the properties as per the Sale Deed dated 11.07.2008, that the properties covered under the Sale Deed are in their exclusive possession and enjoyment, that the respondents 4 and 5 have no right, title, share, possession or interest in respect of the properties purchased by the petitioners under Sale Deed dated 11.01.2008 and that they have no objection to implement the order of the 1st respondent for inclusion of the names of the petitioners as Pattadars in respect of the properties covered under the Sale Deed dated 11.07.2008 and deleting the names of the others pertaining to S.F.Nos.25/1 and 2 of Chettipalayam Village.

5.The petitioners and the respondents 4 & 5 have thus settled the dispute amicably out of Court at the intervention of mediators and they are jointly filing this terms of settlement and pay this Hon'ble Court may be pleased to record the same and allow the writ petition."

3. Recording the memo of compromise, the writ petition is hereby allowed and a Memo of Compromise shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

*Here enclose xerox copy of the Memo of Compromise

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

2.The Tahsildar,
Tiruppur Taluk,
Tiruppur District.

+1 cc to M/s.C.V.Prasanan Advocate sr 29026

+1 cc to M/s.P.Valliappan Advocate sr 28763

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aa06/06/2018