



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD)Nos.7365 of 2009 and 3706 of 2014
and M.P.Nos.1/2009, 1/2013 in W.P. (MD)No. 7365/2009
and 1/2014 in W.P. (MD)No.3706/2014
(Through Video Conferencing)

W.P. (MD) No.7365/2009

1.D.Selvam @ Selvakumar (died)

2.S.Chandra

3.D.S.Janani

4.D.S.Jegan

... Petitioners

(Petitioners 2 to 4 are substituted for the deceased
sole petitioner vide order dated 18.12.2018
made in WMP(MD) No.22370/2018)

Vs.

1.The District Revenue Officer
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam
Theni District.

3.The Tahsildar
Taluk Office,
Theni

4.M.Sermakani

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in Pa.Mu.No.5399/05/A3 dated 18.06.2009 quash the same, and to direct the 3rd respondent to issue patta to the petitioner forthwith for 2.75 acres of land in S.Nos.367/1 and 376 in Jinnalampalayam Village, Periyakulam, Theni Taluk, as per the



orders of the 2nd respondent dated 24.10.2008 in
Na.Ka.NO.5039/2008/A3.

For Petitioners : Mr.R.Subramanian

For Respondents : Mr.M.Lingadurai for R1 to R3

Government Advocate

Mr.T.Mohan for m/s Pon Karthikeyan for R4

W.P. (MD) No.3706/2014

D.Selvam @ Selvakumar (died)

1.S.Chandra

2.D.S.Janani

3.D.S.Jegan

... Petitioners

(Petitioners 1 to 3 are substituted for the deceased
sole petitioner vide order dated 24.06.2021
made in WMP(MD) No.22371/2018)

Vs.

1.The District Revenue Officer
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam
Theni District.

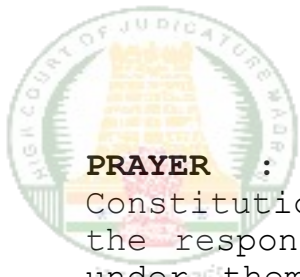
3.The Tahsildar
Taluk Office,
Theni

4.Tamilnadu Water and Sewage Board
Rep. by its Executive Engineer,
NRT Nagar,
Theni
Theni District.

5.TANGEDCO
Rep. by its Superintending Engineer,
Theni, Theni District.

6.Unchampatti Panchayat,
Rep. by its President,
Unchampatti
Theni District.

... Respondents



PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the respondents 4 to 6 or their men or agents or anybody claiming under them from putting up any construction in the petitioner's property bearing S.No. 367/1 and 376 of Unjampatti village, Theni Taluk, Theni District measuring 2.75 acres or extending power supply to the proposed construction.

For Petitioners :Mr.R.Subramanian

For Respondents :Mr.M.Lingadurai for R1 to R3
Government Advocate
Mr.S.M.S.Johnny Basha for R5
Mr.M.Rajarajan for R6

ORDER

W.P. (MD) No.7365/2009

It is brought to the notice of this Court that pursuant to the orders passed by this Court on 24.06.2021, the petitioners and the 4th respondent went over to the office of the third respondent on 01.07.2021 at 11.00 a.m. and they have explained the compromise to the third respondent.

2. The learned Government Advocate circulated the written instructions received from the Tahsildar, Theni, wherein, it is found that the Tahsildar has recorded the statement of both sides and the Tahsildar has sought for some time to pass appropriate orders after collecting the arrears of loan to be paid to the Government under the Land Improvement Scheme.

3. This writ petition is ordered in terms of the compromise between the parties extracted hereunder:

"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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3.1. It is seen from the records that the total amount that was due and payable in the year 1963 as could be seen from the relevant document is a sum of Rs.680/-. Even if the same has to be repaid with an exorbitant interest, it will work out to a few thousands of Rupees. Till the exact amount is calculated, this Court directs the petitioners to deposit a sum of Rs.2,50,000/- (Rupees two lakhs fifty thousand only) before the third respondent.

3.2. The third respondent immediately on receipt of this deposit shall proceed to pass orders granting patta in favour of the petitioners with respect to the subject properties within a period of four weeks from the date of receipt of the deposit amount from the petitioners.

3.3. The third respondent shall verify the relevant documents and arrive at an exact figure that is due and payable by the petitioners.

3.4. If the amount is less than what the petitioners' deposit, the balance amount shall be paid back to the petitioners immediately. If the amount is more than what the petitioners have deposited, the balance amount shall be claimed from the petitioners and the same shall be paid by the petitioners within a period of 10 ten days from the date of receipt of notice from the third respondent.

3.5. In view of the compromise between the parties and in view of the above directions, the impugned order passed by the third respondent dated 18.06.2009 is hereby quashed.

W.P. (MD) No.3706/2014

In view of the order passed in W.P.(MD) No.7365/2009, W.P.(MD) No.3706/2014 is dismissed as withdrawn.

No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

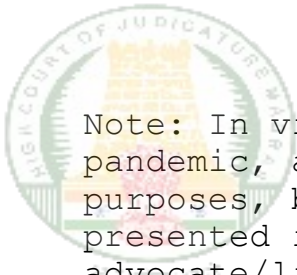
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/ /2021

Sub Assistant Registrar (CS)

RR

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Revenue Officer
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Periyakulam, Theni District.
- 3.The Tahsildar
Taluk Office, Theni
- 4.Executive Engineer,
Tamilnadu Water and Sewage Board
NRT Nagar, Theni, Theni District.
- 5.Superintending Engineer,
TANGEDCO, Theni, Theni District.

+2 CC to M/s.R.SUBRAMANIAN, Advocate, Copy Appln. SR.Nos.21752 and 21753 dated 8.7.2021

W.P. (MD)No.7365 of 2009 and 3706 of 2014
08.07.2021

MGJ(22.07.2021) 5P 8C