



S.A.(MD) No.302 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2022

CORAM : JUSTICE N.SESHASAYEE

S.A.(MD) No.302 of 2014

and

M.P.(MD)No.1 of 2014

H.H.The Prince of Arcot Endowments,
represented by its Accredited Agent,
Mr.U.Mohammed Kalilullah,
12, Kiledar Street, Tiruchirappalli-8,
Now at 12.GMAK Block 2nd Floor,
NSB Link Road,
Tiruchirappalli-620 002.

...Appellant/Respondent/Plaintiff

Vs

The National College,
Represented by its Correspondent and Secretary,
The National College Council,
Thiruchirappalli-1.

...Respondent/Appellant/Defendant

PRAYER: Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree dated 18.07.2013 in A.S.No.185 of 2011 on the file of the I Additional Subordinate Court, Tiruchirappalli setting aside the judgment and decree dated 28.07.2011 in O.S.No.1778 of 2006 on the file of the Principal District Munsif Court, Tiruchirappalli.



For Appellant : Mr.K.S.Sankhar Murali
For Respondent : Mr.K.Prabhakar
for K.K.Senthil

JUDGMENT

The plaintiff has laid a suit in O.S.No.1778 of 2006 for recovery of possession, along with arrears of rent and for mesne profits. The suit was decreed by the trial Court, but there is a change of fortune for the plaintiff before the First Appellate Court when the Court chose to allow A.S.No.185 of 2011 filed by the defendant. Hence, the present appeal. For narrative convenience the parties are referred by their rank before the trial Court.

2. The facts can be briefly explained:

- The plaintiff is a melvaram-holder of item Nos.1 to 7 of the suit property (Item Nos.8 and 9 stated to be channels). This is known from Ext.B4 and Ext.B6 compromise decrees, both of which are even dated 21.12.1905 passed in O.S.No.178 of 1904 and 184 of 1904. The plaintiff right is also fortified by Ext.B12, another compromise decree between the plaintiff and a third party in O.S.No.11 of 1935. So far as the present case is concerned certain Chithambaram Chettiar



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was Kudivaram- holder of Item nos.1 to 7. He Vide Ext.B22 dated 27.02.1947 gifted it to the respondent herein.

- The respondent /defendant is running a college in the properties. Item Nos.1 to 7 herein have been converted into the college playground. While so the relationship between the plaintiff and the defendant fell apart and the suit came to be laid in O.S.No.57 of 1951 by the plaintiff against the same the defendant. This ended in a compromise vide Ext.A1, decree dated 31.03.1953. Ext.A1, compromise recognized the fact that the suit properties are being used as playground of the college. It has also stipulated the rate of rent payable etc..

The cause for the present action which the plaintiff alleges is that the playground is forfeited since the defendants had approached the authorities under Act 31 of 1973 (Tamil Nadu Levy of Ryotwari Assessment on Free-Hold Lands Act, 1972) for issuance of patta.



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3. The contention of the defendant is that originally the defendant was holding kudivaram right and later it applied for patta and the patta was granted Vide Ext.B1. This was challenged unsuccessfully by the plaintiff in Ext.B3 as evidenced by Ext.B3 proceedings by the appellate authority. That has allowed to attain finality. In this circumstances, the suit is laid

4. Heard both sides and this Court perused the judgment of the First Appellate Court and it finds the line of approach and reasoning of the First Appellate Court is in order and it does not warrant an interference by this Court. Accordingly, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2022

Internet:Yes
Index:Yes/No
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To

1.The I Additional Subordinate Court, Tiruchirappalli

2.The Principal District Munsif Court, Tiruchirappalli.

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N.SESHASAYEE, J.

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