



W.P.(MD)No.18872 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18872 of 2020

Gopalakrishnan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sankarankovil Taluk, Tenkasi District.

2.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

3.Ramasubbu ...Respondents
(Respondent No.3 is suo motu impleaded as per order of this Court in
W.M.P.(MD).No.5662 of 2021 in W.P.(MD).No.18872 of 2020)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to include the 3rd item of the suit property into survey No. 240/29 as continue of the same and maintain as common pathway in the Revenue records in the light of the decree passed in O.S.No.182 of 2018 dated 14.09.2019 on the file of the Principal District Munsif, Sankarankovil, Tenkasi District, based on the petitioner's representation dated 15.11.2019.



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For Petitioner : Mr.C.Gomathi Sankar

For R-1 & R-2 : Mr.R.Ragavendran,
Government Advocate

For R-3 : Mr.R.J.Karthick

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to act upon the Decree passed in O.S.No.182 of 2018 dated 14.09.2019 by the learned Principal District Munsif, Sankarankovil and record a common pathway in the revenue records pertaining to Survey No.240 /29 by considering the representation made by the petitioner on 15.11.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The short issue that arises for consideration in the present writ petition is as to whether the respondents will have to act upon the Decree passed by the Civil Court in O.S.No.182 of 2018 pursuant to a compromise between the parties to the Decree and include the common pathway in the revenue records in Survey No.240/29.



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4. The relevant revenue records was placed before this Court and it is seen that the property in Survey No.240 / 29 has been shown as a “Street” (தெரு). The so-called Decree of the Civil Court was pursuant to a compromise between the two parties to the suit entered into before the Lokadalat. Hence, that Decree will only bind the parties to the compromise and the Revenue Authorities, who are not parties to the suit cannot be made to correct the revenue records based on this Decree. The representation made by the petitioner to the Revenue Authorities by citing the Decree, cannot be acted upon by the Revenue Authorities and they cannot change anything in the revenue records pertaining to Survey No.240/29. The relief sought for in this Writ Petition is not sustainable.

5. In view of the above, the Writ Petition is dismissed. No costs.

09.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg
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N.ANAND VENKATESH, J.

tsg

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