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C.R.P.No.1716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1716 of 2024
and C.M.P.Nos.15285, 9025 & 9041 of 2024

State of Tamil Nadu,
Represented by the District Collector,
Chair Person, Disaster Management Authority,
Kanchipuram District, Kanchipuram.

... Petitioner

Vs

1. M/s.Andhra Master,
Represented by its Proprietor,
D.Harikrishnan
50-F, Babu Khan Sadukkam,
Mettu Street, Kanchipuram District.
2. The Block Development Officer,
Kundrathur Panchayat Union, Padappai,
Kanchipuram District.
3. The Block Development Officer,
Walajabad Panchayat Union,
Walajabad Town & Taluk,
Kanchipuram District.

... Respondents

PRAYER : Civil Revision Petition has been filed under Article 227 of the Constitution of India, pleaded to set aside the order dated 15.04.2024 passed in E.P.No.8 of 2024 on the file of the learned Principal District and Sessions Judge, Kanchipuram.



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For Petitioner : Mr.T.Arunkumar
Additional Government Pleader
For R1 : Mr.Y.Jyotish Chander
For R2 & R3 : Dr.S.Suriya
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed against the order passed by the Principal District and Sessions Court, Kanchipuram, passed in E.P.No.8 of 2024 O.S.No.130 of 2022 on 15.04.2024.

2. The petitioner is the 1st defendant in the suit filed by the first respondent/ plaintiff in O.S.No.130 of 2022 before the Principal District Sessions Court, Kanchipuram, in which, the defendants were set ex parte. The said suit came to be decreed on 15.09.2023. Thereafter, the 1st respondent/decreed holder had filed an execution petition in E.P.No.8 of 2024 on 16.12.2023 before the Principal District and Sessions Court, Kanchipuram and the learned Judge, by an order dated 15.4.2024, had ordered for attachment of the properties belonging to the State. Aggrieved over the same, the present Civil Revision Petition has been filed.



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3. When the matter was listed before this Court on 17.04.2024, this Court had admitted the revision petition and granted interim stay of operation of order dated 15.04.2024 passed in E.P.No.8 of 2024. Thereafter, the first respondent has filed a petition in C.M.P.No.15285 of 2024 seeking to vacate the order of interim stay granted by this Court on 17.04.2024. When the matter was taken up on 27.08.2024, since both the parties have agreed to proceed for mediation, this Court, had referred the matter to the Mediation and Conciliation Centre attached to the High Court, Madras. Thereby, the parties have appeared before the Mediation Centre and a settlement has been arrived at between them, pursuant to which, the parties have filed a Settlement Memo. As a sequel, Mediation Report dated 22.10.2024 along with the Settlement Memo filed by the parties have been filed before this Court.

4. Learned counsel appearing for either side submitted that the matter referred for mediation has been settled and the parties have filed a Settlement Memo and thereby, prayed that the revision may be disposed based on the Settlement Memo.



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5. Heard the learned counsels appearing for both the petitioner and the respondents and perused the materials available on record. The contents of the Settlement Memo filed by the parties are extracted hereunder :-

“SETTLEMENT MEMO FILED BY THE RESPONDENT

It is respectfully submitted that the Respondent has received the payment of Rs.3,22,478/- dated 19.10.2024 drawn on SBI Bank today i.e., 22.10.2024. Further as per ECS Transaction receipt 060600512410043 dated 21.10.2024 a sum of RS.13,54,750/- (Less Rs.27,096/- towards 2% TDS) totally to net amount of RS.13,27,654/- appears to be lodged in my account.

It is submitted that subject to realization/Credit of the said ECS Amount, the amounts payable as regards Kundrathur Block has been fully settled. It is further submitted that the dues from Walajabad Block has also already been settled on 21.10.2024 for a sum of Rs.6,92,000/-.

Therefore, in view of the above, the Petitioners shall withdraw the pending CRP No.1716 of 2024 and the Respondent will withdraw the pending E.P.No.8/24 in O.S.No.130/2022 pending before Hon'ble District Court, Kanchipuram with a liberty for refund of Court Fees.

The above full Settlement may be recorded and the same may be referred to Hon'ble Court for further proceedings and oblige.”



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6. In view of the Settlement Memo dated 22.10.2024 filed by the parties and recording the submissions made by the learned counsels on both sides, this Civil Revision Petition stands withdrawn. The order passed by the Principal District and Sessions Court, Kanchipuram in E.P.No.8 of 2024 on 15.04.2024 and the Judgment and Decree passed in O.S.No.130 of 2022 on 15.09.2023 are set aside.

7. The Settlement Memo filed by the parties shall form part of the Court records. Consequently, the connected miscellaneous petitions are closed. No costs.

25.10.2024

Index : Yes / No

Neutral Citation : Yes / No

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To : The Principal District and Sessions Court, Kanchipuram.



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A.D.JAGADISH CHANDIRA, J.
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