



C.R.P(MD).No.1130 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.R.P(MD)No.1130 of 2014

Walajah Nawab Mehabura Pallivasal

Wakf, rep. By its Muthavalli,

Subedar Khan,

S/o.Ibrahim Khan,

3/327, Muslim Street,

Vaalikandapuram,

Veppanthattai Taluk,

Perambalur District.

... Petitioner

Vs.

1.Palanimuthu

2.Thangavel

3.Angamuthu

4.Kannaiyan

5.The Collector,

Perambalur Distirct.



C.R.P(MD).No.1130 of 2014

6.The Thasildar,
Veppanthattai Taluk,
Perambalur District.

7.The Head Surveyor,
Veppanthatti Taluk,
Perambalur District.

... Respondents

(Respondents 5 to 7 are suo motu impleaded as per the order of this Court dated 22.03.2024)

PRAYER: Civil Revision Petition has been filed under Section 227 of The Constitution of India, to set aside the judgement and decree of Principal Subordinate Judge, Trichy, in Wakf O.P.No.13 of 2001 dated 01.07.2009 and to allow the Civil Revision Petition.

For Petitioner : Mr.S.Mahalakshmi

For R2 to R4 : Mr.C.Sasikumar

For R5 to R7 : Mr.A.K.Manikkam

Special Government Pleader



C.R.P(MD).No.1130 of 2014

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ORDER

This Criminal Revision Petition has been filed to set aside the judgement and decree of Principal Subordinate Judge, Trichy, in Wakf O.P.No.13 of 2001 dated 01.07.2009 and to allow the Civil Revision Petition.

2. The petitioner/Muthavalli representing for Walajah Nawab Mehabura Pallivasal filed an Wakf OP.No.13 of 2001 on the file of the learned Principal Subordinate Judge, Trichy, under Section 83 of Wakf Act, 1995, restraining the respondents herein from using the suit scheduled property as pathway to reach the “Angalamman temple” situated at Valigandapuram Village, Veppanthattai Taluk, Perambalur District. The said application was dismissed stating that there was a pathway to reach the temple. Challenging the same, the Muthavalli have preferred this revision.

3. Today (22.07.2024), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under :-



C.R.P(MD).No.1130 of 2014

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Appellate Jurisdiction)

C.R.P.(MD)No.1130 of 2014

Walajab Nawab Mehabura,
Pollivasal Waki, rep by its Hereditary
Muthawalli L. Jafar Sathik,
S/o. Liyakathali Khan,
Vallikandapuram Village,
Vepathattai Taluk,
Perambalur District.

... Petitioner

-Vs-

1. Palanimuthu (Died)
2. Thangavel,
S/o. Marimuthu Poosari,
Mariamman Koil Street,
Vallikandapuram Village and Post,
Vepathattai Taluk,
Perambalur District.
3. Angamuthu (Died)
4. Kannaiyan,
S/o. Sathasivam Poosari,
1 to 4 Respondents are residing at
Mariamman Koil Street,
Vallikandapuram Village and Post,
Vepathattai Taluk,
Perambalur District.

....Respondents

JOINT COMPROMISE MEMO FILED BY THE PETITIONER AND RESPONDENTS

The petitioner Walajab Nawab Mehabura, Pollivasal Waki, represented by the present Hereditary Muthawalli L. Jafar Sathik, S/o. Liyakathali Khan, Muslim Hanafi, aged 38 years, Vallikandapuram Village, Vepanthattai Taluk, Perambalur District.

AND

The Respondents Palanimuthu (1st Respondent Died on 15.06.2013) his Legal Heirs Manikam, Hindu, aged 60 years and Murugesan, Hindu, aged 50 years, Thangavel, S/o. Marimuthu Poosari, 2nd Respondent herein, Angamuthu (3rd Respondent Died on 11.03.2015) his Legal Heirs Balamuthu Angamuthu, Hindu aged 53 years, Palanivel, Hindu, aged 50 years, Ravichandran, Hindu, aged 42 years, Maruthamuthu Angamuthu, aged 42 years and Kannaiyan, S/o. Sathasivam Poosari (4th Respondent) all residing at Mariamman Koil Street, Vallikandapuram



C.R.P(MD).No.1130 of 2014

WEB COPY

-2-

Village and Post, Vepanthattai Taluk, Perambalur District have entered into a compromise with regard to the recognition of the usage of the pathway which is the subject matter of C.R.P(MD).No:1130/2014 pending before The Hon'ble Madurai Bench of Madras High Court as an amicable settlement of issues involved and give quietus to the litigation, with the following Terms and conditions.

The subject matter of the pathway involved in the C.R.P(MD).No:1130/2014 is situate in S.F.No:243/7 and S.F.No:243/8, Valigandparam Village, Veppanthattai Taluk, Perambalur District.

A rough sketch is annexed with the Joint Memo for reference in which the pathway in S.F.No:243/7 is referred as ABCD in Green Colour belongs to the petitioner and

The pathway in S.F.No:243/8 is referred as BEFC in Red colour belongs to Respondents.

The petitioner and the respondents have agreed to utilize the existing usage of the pathway in S.F.No.243/7 by converting it as a pucca road for public purpose as well for conducting car festival and other religious festival purposes of the Respondents' Temple situate in S.F.No:243/8. For the formation of such pucca road, the Petitioner on his side agreed to give 116' x 20' extent in S.F.No:243/7 marked as ABCD in Green Colour and the Respondents agreed to give 90' x 20' extent in S.F.No:243/8 referred as BEFC in Red Colour.

The petitioner and the Respondents agreed that after converting the existing pathway into a pucca road as referred in the Rough Sketch the same should be utilized by both of them for the intended purpose and public utility only and maintain the same as such without any encroachment whatsoever at any point of time in future also.

The contents of this Joint Compromise Memo is read over and explained in Tamil by our counsels and after understanding the contents, we, both in good state of mind with full understanding and whole heartedly without any undue influence or coercion signed the Joint Compromise Memo.



C.R.P(MD).No.1130 of 2014

WEB COPY

-3-

We prayed that the Hon'ble High Court may be pleased to take in to consideration of the Rough Sketch (Not Drawn on Scale) as part and parcel and Annexure of this Joint Compromise Memo.

We, therefore, prayed this Hon'ble High Court may be pleased to record this Joint Compromise Memo and the Annexure Rough Plan and thus render justice.

L. JAFAR SATHIN
PETITIONER

[Signature]
புதுச்சேரி
காமராசர் பல்கலைக்கழகம்
பாடகர் - 605 006

1. *P. Manikam*

MANIKAM

2. *மருகேசன்*

MURUGESAN

(1 & 2 are Deceased 1st Respondent Palanimuthu)

3. *[Signature]* LTI of Thangavel
THANGAVEL (2nd Respondent)

4. *அ.புரதா*

BALAMUTHU ANGAMUTHU

5. *அ.புலகேசன்*

PALANIVEL

6. *[Signature]* LTI of Ravichandran
RAVICHANDRAN

7. *ம.மருதமுத்து*

MARUTHAMUTHU ANGAMUTHU

(4 to 7 are LR's of Deceased 3rd Respondent Angamuthu)

8. *[Signature]* LTI of Kanniyar
KANNIYAR (4th Respondent)
RESPONDENTS

[Signature]
புதுச்சேரி
காமராசர் பல்கலைக்கழகம்
பாடகர் - 605 006
COUNSEL FOR THE PETITIONER

[Signature]
COUNSEL FOR THE RESPONDENTS



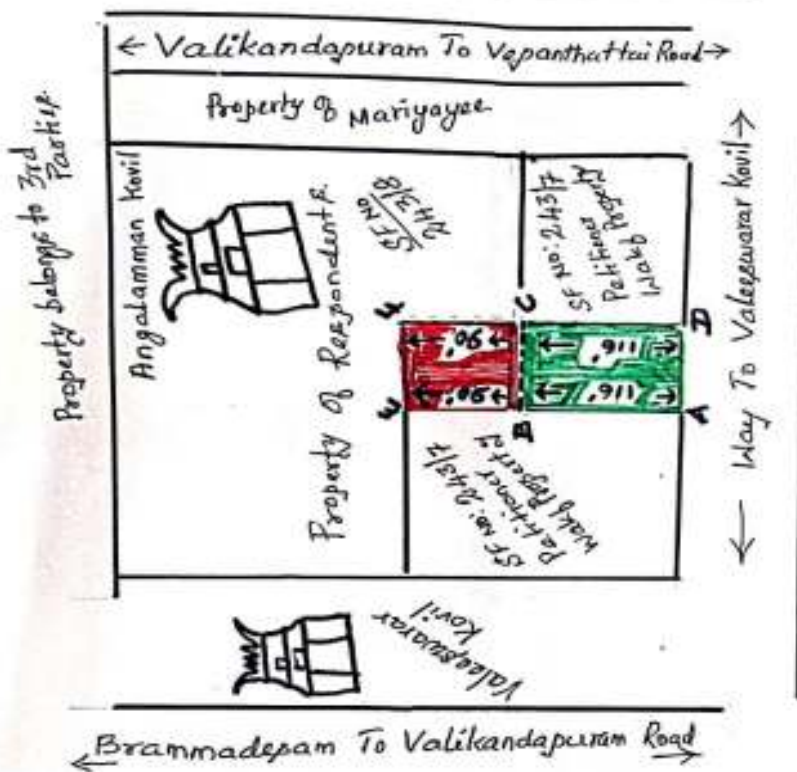
IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADRAS BENCH.
C.R.P. (MD) NO: 1130 OF 2014

Palanirathnam and others

— Respondents

ANNEXURE

ROUGH SKETCH NOT DRAWN ON SCALE



BEFC [redacted] Red Colour 90'x20 Respondents Property
intended to form Pucca Road

Counsel *[Signature]* 10/17/11
B. Narasimhan
for
FOR PETITIONER

COUNSEL FOR RESPONDENTS



C.R.P(MD).No.1130 of 2014

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4.Both parties are present before this Court and their identity has also been verified. The contents of the above joint compromise memo dated 18.07.2024 are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

5.Accordingly, this Civil Revision Petition stands allowed in terms of the compromise dated 18.07.2024. The joint compromise memo shall form part and parcel of this order. No costs.

22.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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C.R.P(MD).No.1130 of 2014

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To

- 1.The Principal Subordinate Court,
Trichy.
- 2.The Collector,
Perambalur Distirct.
- 3.The Thasildar,
Veppanthattai Taluk,
Perambalur District.
- 4.The Head Surveyor,
Veppanthatti Taluk,
Perambalur District.



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C.R.P(MD).No.1130 of 2014

K.K.RAMAKRISHNAN, J.

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C.R.P(MD)No.1130 of 2014

22.07.2024