



W.P.(MD) No.14923 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.14923 of 2016

and

W.M.P.(MD) Nos.10997 of 2016 and 19440 of 2023

V.R.Somasundaram @ Sundaram

... Petitioner

/vs./

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai South,
Madurai District,
Madurai.

4.R.M.A.Alagappan

5.Susila

6.Meenambal

1/7



W.P.(MD) No.14923 of 2016

WEB COPY

7.E.Ramalingam

8.E.Ramanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in Nimu. No.G2/45555/2013 dated 20.05.2016 passed by the 1st respondent and quash the same and consequently direct the respondents no.1 to 3 to issue patta in the petitioners name with respect to the land comprised in S.No. 35/2A1 measuring an extent of 50 cents out of 2 acres 18 cents situated at Melakuyilkudi Village, nagamalai Pudukottai, Madurai District within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

For R4 : Mr.G.Anbu Saravanan

For R6 to R8 : No appearance

ORDER

The petitioner seeks to quash the impugned order dated 20.05.2016 passed by the first respondent and consequently to direct the respondents 1 to 3 to issue patta in his name with respect to an extent of 50 cents out of 2 acres and 18 cents



W.P.(MD) No.14923 of 2016

in S.No.35/2A1 at Melakuyilkudi Village, Nagamalai Pudukottai, Madurai District.

2. The larger extent of 2 acres and 18 cents in S.No.35/2A1 has been sold by the respondents 6 to 8 herein in favour of the fourth respondent's father, Annamalai Chettiyar. The very same property appears to have been sold by them in favour of the fifth respondent's husband, Nagureddy on 18.03.1981. Thereafter, the respondents 6 and 7 have filed O.S.No.208 of 1983 seeking the relief of declaration to declare the sale deed dated 01.12.1980 executed in favour of Annamalai Chetiyar as null and void and for injunction. The said suit was decreed by judgment and decree dated 10.07.1985.

3. Challenging the same, the said Annamalai Chetiyar and his son, Alagappan, the fourth respondent herein, had filed A.S.No.85 of 1986. The appeal also went against the said Annamalai Chetiyar and his son, Alagappan and was dismissed by judgment and decree dated 30.11.1988. Challenging the same, they had preferred S.A.No.1703 of 1990 on the file of this Court.



W.P.(MD) No.14923 of 2016

WEB COPY

4. The dispute was compromised between the parties under a compromise decree dated 29.06.1998 and the second appeal was dismissed as settled out of the Court. The compromise decree would clearly show that in respect of the extent of 2 acres and 18 cents in S.No.35/2A, the parties had agreed that the same would belong to Annamalai Chetiyar and his son, Alagappan, the defendants in the suit. The petitioner had purchased 50 cents out of this extent of 2 acres and 18 cents under a registered sale deed dated 04.06.1985, pending the suit.

5. In the light of the judgment passed in the aforesaid second appeal, the revenue records were mutated as per the terms of the compromise. The respondents 3 and 5 have challenged the same by filing an appeal before the second respondent. The second respondent had allowed the Revision filed by the fifth respondent. Challenging the same, the fourth respondent, the vendor of the petitioner's father, had filed a Revision before the first respondent. This Revision was dismissed. Challenging the same, the present writ petition has been filed.

6. The records would clearly show that the second appeal was dismissed recording the compromise and in the said compromise, the property in S.No.



W.P.(MD) No.14923 of 2016

WEB COPY

35/2A measuring total extent of 2 acres and 18 cents has been allotted to the share of Annamalai Chetiyar and the fourth respondent, Alagappan. The fifth respondent is the subsequent purchaser from the respondents 6 to 8. The respondents 6 and 8 have challenged the sale deed that they had executed in favour of the petitioner's predecessor in title. By compromising the suit and conceding that the extent of 2 acres and 18 cents belongs to Annamalai Chetiyar, they have accepted the sale deed that had been executed by them in favour of the said Annamalai Chetiyar. The fifth respondent's husband had purchased it 3 months after the purchase by the said Annamalai Chetiyar. Once the sale in favour of Annamalai Chetiyar had been ratified by the vendors themselves, the respondents, who claim under them, are also bound by the said order.

7. Therefore, the impugned order passed at the behest of the fifth respondent totally refusing to consider the compromise decree on the ground that it is an out of Court settlement is absolutely arbitrary and baseless. The compromise has been filed before the Court and on the basis of that compromise, the second appeal had been disposed of. Therefore, the impugned order passed in Nimu.No.G2/45555/2013 dated 20.05.2016 by the first respondent is set aside. It



W.P.(MD) No.14923 of 2016

WEB COPY

is made clear that the patta will only be with reference to 50 cents, which has been purchased by the petitioner.

8. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.09.2024

mm

To

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai South,
Madurai District,
Madurai.



WEB COPY



W.P.(MD) No.14923 of 2016

P.T.ASHA, J.

mm

W.P.(MD) No.14923 of 2016

18.09.2024