



W.P.(MD).No.26983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26983 of 2024

and

W.M.P.(MD)Nos.22867, 22869 & 22870 of 2024

V.Saraswathi.

... Petitioner

VS

1.The Chairman,
Taluk Legal Services Committee,
Nanguneri Taluk,
Tirunelveli.

2.The District Registrar,
Registration Department,
Tirunelveli.

3.The Sub Registrar,
Registration Department,
Nanguneri Taluk,
Tirunelveli.

4.The Inspector of Police,
Vijayanarayanam Police Station,
Vijayanarayanam,
Thisaiyanvilai Taluk,
Tirunelveli.

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5.James,

6.Princes Mary,

7.Daniel,

8.Lejisha,

9.Seбина,

10.Leenus.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned Compromise Award of the first respondent dtd 11.09.2021 passed in O.S.No. 128 of 2021 on the file of the Sub Court, Nanguneri and quash the same in so far as the land properties purchased by the petitioner by virtue of the above said registered Sale Deed bearing Doc.No.772 of 2009 dated 03.03.2009 as the same is not binding on the petitioner.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R2 & R3
Mrs.M.Aasha
Government Advocate for R4
Mr.C.Mayilvagana Rajendran
for R5, R6 & R8 to R10



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ORDER

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This Writ Petition has been filed challenging the award passed by the first respondent dated 11.09.2021 in O.S.No. 128 of 2021 on the file of the Sub Court, Nanguneri in so far as the properties purchased by the petitioner by virtue of the registered Sale Deed dated 03.03.2009 *vide* Doc.No.772 of 2009.

2. The petitioner was purchased the property comprised in Survey No. 176A/1A3 (176/A1A3) under patta No.1966 ad-measuring 20.66 cents (9000 sq.ft) situated in Ilankulam Village, Nanguneri Taluk, Tirunelveli District by a registered sale deed, dated 03.03.2009 *vide* Doc.No.772 of 2009.

3. While being so, the respondents 5 and 6 filed a suit in O.S.No.91 of 2010 on the file of the Sub Court, Valliyoor, Tirunelveli as against the seventh respondent. Thereafter, they entered into a compromise before the Lok Adalat and accordingly, the first respondent passed award including the property, which was purchased by the petitioner. In pursuance of the Lok Adalat award, the fifth respondent settled his share in favour of the respondents 8 to 10, who



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are being the daughters and son of the fifth respondent.

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4. The learned counsel for the respondents 5, 6, 8 to 10 submitted that in the partition suit filed by the respondents 5 and 6, they had filed a petition in I.A.No.1399 of 2016 in O.S.No.91 of 2010 on the file of Sub Court, Valliyur to implead the petitioner in W.P(MD) No.26983 of 2024 and the same was dismissed on the objection raised by the seventh respondent herein. In fact, aggrieved by the same, the respondents 5 and 6 also preferred a revision before this Court and the same was also dismissed. Therefore, the petitioner cannot agitate this issue once again before this Court.

5. Admittedly, the suit was filed by the respondents 5 and 6 as against seventh respondent for partition, in which they obtained compromise decree. Therefore, on perusal of the award passed by the first respondent, they executed the settlement deed including the petitioner's property.

6. The award passed by the first respondent dated 11.09.2021 in O.S.No. 128 of 2021 on the file of the Sub Court, Nanguneri is liable to be quashed in so far as the property was purchased by the petitioner *vide*



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registered sale deed dated 03.03.2009 *vide* Doc.No.772 of 2009.

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7. The petitioner is directed to file implead petition in the suit filed by the respondents 5 and 6 herein in O.S.No.91 of 2010 on the file of the Sub Court, Valliyoor, Tirunelveli District. On submission of Written Statement, the Trial Court is directed to conduct the trial and dispose of the suit within a period of 12 weeks from the date of filing of the written statement by the petitioner.

8. With above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd/pnm

To

1.The District Registrar,
Registration Department,
Tirunelveli.

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2.The Sub Registrar,
Registration Department,
Nanguneri Taluk,
Tirunelveli.

3.The Inspector of Police,
Vijayanarayanam Police Station,
Vijayanarayanam,
Thisaiyanvilai Taluk,
Tirunelveli.

4.The Sub Judge,
Valliyur,
Tirunelveli.



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G.K.ILANTHIRAIYAN,J.

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