



W.P.(MD)Nos.1393 and 3333 of 2025

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)Nos.1393 and 3333 of 2025

and

W.M.P(MD)Nos.980 and 2436 of 2025

W.P.(MD)No. 1393 of 2025

Saravana Muthu @ Saravana Muthu Pillai

... Petitioner

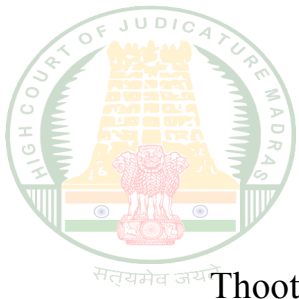
Vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Pudukkottai,
Thoothukudi District.

2. M/s.Velavan Hyper Market Private Limited,
Represented by its Director,
T.Ananth,
Door No.161/I, Ettayapuram Road,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent herein not to admit any new document for registration pertaining the petitioner's undivided share in the property comprised in Survey No.52/1B2, Kumaragiri Village, Thoothukudi Taluk,



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Thoothukudi District measuring to an extent of 72.50 cents by considering the representation of the petitioner dated 13.03.2024.

For Petitioner : Mr.Sathish Kumar
for Mr.S.Joel

For R-1 : Mr.P.T.Thiraviam
Government Advocate

For R-2 : Mr.G.Prabhu Rajadurai
for M/s.Ajmal Associates

W.P.(MD) No.3333 of 2025

R. David

... Petitioner

Vs.

1.The Sub Registrar,
O/o. the Sub Registrar Office,
Pudukkottai,
Thoothukudi District..

2.Saravana Muthu @ Saravana Muthu Pillai

...Respondents

*(R-2 is impleaded vide Court order dated.
19.02.2025 in W.M.P.(MD).No.2800 of
2025 in W.P.(MD).No.3333 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to register and release the Sale Deed presented by the petitioner on 07.01.2025 vide Pending Doc.No. P6/2025 by considering the petitioner's representation dated 20.01.2025 within the period that may be stipulated by this Court.



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For Petitioner	: Mr.G.Prabhu Rajadurai
	For M/s.Ajmal Associates
For R-1	: Mr.P.T.Thiraviam
	Government Advocate
For R-2	: Mr.Sathish Kumar
	for Mr.S.Joel

COMMON ORDER

The case of the petitioner in W.P.(MD).No.1393 of 2025, namely, Saravana Muthu @ Saravana Muthu Pillai, is that the property in Zamin Patta No.212, Settlement Survey No.52/1, Patta No.1087, UDR Survey No.52/1B, Patta No.1658, Kumaragiri @ Pudukkottai Village, Thoothukudi Taluk, Thoothukudi District, belonged to his ancestors, namely, one Sudalaimuthu Pillai and Urkavala Perumal Pillai. They had been in possession and enjoyment of the same. Out of the total extent of 1.7 acres, 17 cents had been acquired for construction of an airport at Thoothukudi. Post the acquisition, the family had 1.53 acres in their possession. On the death of the aforesaid two persons, their legal heirs, namely, Arumuga Pillai @ Arumuga Nainar and his younger brother, Manickam Pillai succeeded to the estate. Manickam Pillai passed away on 23.01.1968.



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2. In and around 2006, the legal heirs of Manickam Pillai, namely, Mrs.Chellammal, Mr.Perumal, Mrs.Sivagnanam, Mr.Palani and Mr.Kaaliappan sold the property in favour of one Solomon Raja. The sale was to an extent of 1.5 acres out of 1.53 acres. The said Solomon Raja, in turn, alienated the property in favour of one Raju Moses George @ George Raja. The remaining 3 cents had been sold by the legal heirs of Manickam Pillai in favour of one Selvaraj. These 3 cents were in turn sold by Selvaraj in favour of one Dinakaran. The petitioner concedes that the sales that were made in favour of Selvaraj and Dinakaran were ratified by him on 27.09.2023. The petitioner pleads that out of 1 acre and 50 cents, 5 cents were acquired for extension of Thoothukudi to Palayamkottai Highway. The remaining 1.45 acres was sold by Raju Moses George @ George Raja in favour of M/s.Velavan Hyper Market Private Limited, represented by its Director, Mr.T.Ananth. The Private Company Limited also mutated the revenue records in its favour.

3. Pleading that the petitioner has right, title and interest over the undivided 72.5 cents, he made a representation to the Sub Registrar, Pudukkottai, Thoothukudi District, not to receive any document



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pertaining to Survey No.52/1B2, Kumaragiri Village, Thoothukudi Taluk and District. As the representation was not considered, he has come forward with the present Writ Petition. He impleaded M/s.Velavan Hyper Market Private Limited as the second respondent in the Writ Petition.

4. It is the case of the petitioner in W.P.(MD).No.3333 of 2025, namely, R.David, that the Director of M/s.Velavan Hyper Market Private Limited had alienated the property in his favour in January 2025. As the same had not been registered, he came forward with a Writ of Mandamus to direct the respondent/Sub Registrar to register and release the sale deed dated 07.01.2025.

5. In this Writ Petition, the petitioner in W.P.(MD).No.1393 of 2025, namely, Saravana Muthu @ Saravana Muthu Pillai was not impleaded. To rectify the same, an impleading application has been filed in W.M.P.(MD).No.2800 of 2025. Finding that Mr.Saravana Muthu @ Saravana Muthu Pillai would be adversely affected, in case any orders are passed in the Writ Petition, I impleaded him as the second respondent in W.P.(MD).No.3333 of 2025.



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6. I heard Mr.Sathish Kumar for the petitioner in W.P.(MD). No.1393 of 2025, Mr.G.Prabhu Rajadurai for the petitioner in W.P. (MD).No.3333 of 2025.

7. Mr.Sathish Kumar brought to my notice that claiming half share in the property, a suit had been presented by Mr.Saravana Muthu @ Saravana Muthu Pillai before the I Additional District Judge at Thoothukudi in O.S.No.40 of 2025. He also pointed out that an application for interim injunction, restraining alienation, had been filed in I.A.No.3 of 2025 and that the learned I Additional District Judge was also pleased to grant an order of interim injunction.

8. Per contra, Mr.G.Prabhu Rajadurai submitted that pending the litigation, the petitioner in W.P.(MD).No.1393 of 2025, namely, Saravana Muthu @ Saravana Muthu Pillai, had compromised the matter with M/s.Velavan Hyper Market Private Limited and had also executed a document in the latter's favour in Document No.1012/2025 dated 14.02.2025.



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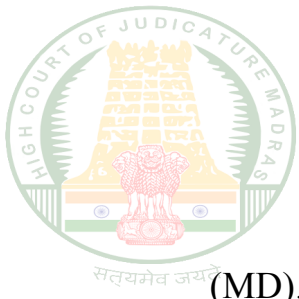
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9. As this was a subsequent development, Mr.Sathish Kumar pleaded that he was not aware of the same and he sought time for instructions. Hence, I adjourned the matter to today (20.02.2025).

10. When I took up the matter for hearing today, Mr.Sathish Kumar submitted that it is true that a compromise had been entered between the parties. However, he pleaded that the said registered document is vitiated on account of undue influence and coercion practised on Mr.Saravana Muthu @ Saravana Muthu Pillai.

11. A perusal of the affidavit in W.P.(MD).No.1393 of 2025 shows that the claim of Mr.Saravana Muthu @ Saravana Muthu Pillai is that he has half share to the property. It has been accepted by both sides that the said Saravana Muthu @ Saravana Muthu Pillai has executed a document accepting the title of M/s.Velavan Hyper Market Private Limited. He has confirmed the sale deed.

12. It is not the first time that he has entered into an agreement. A perusal of paragraph No.9 of the affidavit filed in support of W.P.



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(MD).No.1393 of 2025 discloses that earlier, he had executed such a ratification deed, ratifying the sales made in favour of Mr.Selvaraj and Mr.Dinakaran. Whether the document in Document No.1012/2025 dated 14.02.2025 is vitiated, on account of the circumstances pleaded by Mr.Sathish Kumar, are not matters, which can be gone into by me in a Writ Petition.

13. On account of this subsequent development, I am not in a position to grant any relief to Mr.Saravana Muthu @ Saravana Muthu Pillai in W.P.(MD).No.1393 of 2025. Hence, W.P.(MD).No.1393 of 2025 is dismissed.

14. As the parties have compromised the matter, the Writ Petition filed by the subsequent purchaser from M/s.Velavan Hyper Market Private Limited has to be ordered. Accordingly, W.P.(MD).No.3333 of 2025 is ordered. The first respondent/Sub Registrar shall register the document in No.P6/2025 dated 07.01.2025 and release the same.



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15. This order will not stand in the way of Mr.Saravana Muthu @

Saravana Muthu Pillai to initiate civil proceedings, as is open to him.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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V. LAKSHMINARAYANAN, J.

mac/Lm

W.P.(MD)Nos.1393 and 3333 of 2025
and
W.M.P(MD)Nos.980 and 2436 of 2025

Dated : 20.02.2025