



W.A.(MD)Nos.260, 261 and 263 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)Nos.260, 261 and 263 of 2022
and
C.M.P.(MD)No.2518, 2523 and 2531 of 2022**

W.A.(MD)No.260 of 2022:-

1.I.Berkmans

2.B.Vivek

... Appellants

Vs.

1.S.A.M.Seyed Ali Akbar

2.The District Collector/Member Secretary,
Tirunelveli Local Planning Authority,
Tirunelveli.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

... Respondents

***Prayer* :** Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 19-01-2022 in W.P(MD).No.888 of 2021 on the file of this Court.

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For Appellants : Mr.H.Lakshmi Shankar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R2.
Mr.D.Nallathambi for R1.
Mr.S.P.Maharajan for R3.

W.A.(MD)No.261 of 2022:-

1.I.Berkmans

2.B.Vivek

... Appellants

Vs.

1.S.A.M.Syed Ali Akbar

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.

4.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

5.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

6.Abuthahir

7.Abdul Kareem



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8.Pathumuthu Sakara

... Respondents

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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 19-01-2022 in W.P(MD).No.1091 of 2021 on the file of this Court.

For Appellants : Mr.H.Lakshmi Shankar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R2 to R4.
Mr.D.Nallathambi for R1.
Mr.S.P.Maharajan for R5.

W.A.(MD)No.263 of 2022:-

I.Berkmans

... Appellant

Vs.

1.S.A.M.Seyed Ali Akbar

**2.The District Legal Services Authority,
Tirunelveli District Court Campus,
Palayamkoattai, Tirunelveli - 627 002.**

**3.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.**

**4.The Deputy Inspector General of Registration,
Office of Deputy Inspector General of Registration,
St.Marks Street,**

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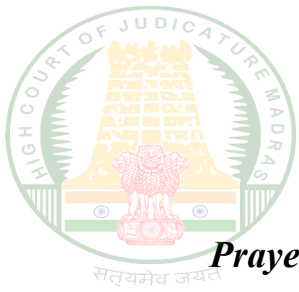


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Behind Johns Higher Secondary School,
Near Sankar Colony, Palayamkottai,
Tirunelveli District – 627 002.

- 5.The District Registrar(Registration),
District Registrar Office,
Collectorate Campus,
Kokkirakulam,
Tirunelveli - 627 009.
- 6.The District Registrar(Administration),
District Registrar Office,
Collectorate Campus,
Kokkirakulam,
Tirunelveli - 627 009.
- 7.The Sub Registrar,
Sub Registrar Office,
35-B, Firthouse Complex,
1st Floor, Ambai Road,
Melapalayam,
Tirunelveli - 627 005.
- 8.Abuthahir
- 9.Abdul Kareem
- 10.Pathumuthu Sakara
- 11.V.O.A Abdul Sukkoor
- 12.Sharmila
- 13.Hithayathulla
- 14.Kaleel Ahamed

... Respondents



W.A.(MD)Nos.260, 261 and 263 of 2022

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 19-01-2022 in W.P(MD).No.1512 of 2020 on the file of this Court.

For Appellants : Mr.H.Lakshmi Shankar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R3 to R7.
Mr.D.Nallathambi for R1.

COMMON JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The subsequent purchasers are the appellants before us in these writ appeals. They challenge the order dated 19.01.2022 made in W.P.(MD)No.1512 of 2020 and W.P(MD).Nos.888 and 1091 of 2021 on a limited ground. In W.P.(MD)No.1512 of 2020, the Lok Adalat award dated 08.01.2019 made in O.S.No.275 of 2018 on the file of the Principal Sub Court, Tirunelveli was challenged. The learned Single Judge gave a categorical finding that the Lok Adalat award ought not have been passed. It was characterized as collusive and fraudulent. We do not



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propose to interfere with the said finding. We affirm the finding of the learned Single Judge that the impugned Lok Adalat award is fraudulent.

3.The appellants who are subsequent purchasers were not parties to the Lok Adalat award. Therefore, imposing cost of Rs.10,000/- on I.Berkmans, the tenth respondent in W.P.(MD)No.1512 of 2020 is set aside.

4.It is also seen that the purchases were made one year after the Lok Adalat was passed. The appellants make it clear that they are not tracing their right or title to the Lok Adalat award. Five persons joined together and filed W.P.(MD)No.1512 of 2020 challenging the Lok Adalat award. The appellants herein purchased the respective shares from four out of five writ petitioners even during pendency of the writ petition. That is why, except S.A.M.Seyad Ali Akbar, the other writ petitioners were transposed as respondents 11 to 14.

5.During the pendency of this writ appeal, the appellants have purchased the lands of S.A.M.Seyad Ali Akbar, the remaining writ



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petitioner also. Therefore, the appellants can seek mutation of patta on the strength of the aforesaid sale deeds dated 03.12.2020, 04.01.2021, 22.02.2021 and 21.10.2023 executed in their favour by the respective vendors. To this extent, the restraint order passed by the learned Single Judge stands vacated. Based on the aforesaid purchases, the appellants can work out their rights in the manner known to law.

6.These writ appeals are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.) & (M.J.R. J.)
18.03.2025**

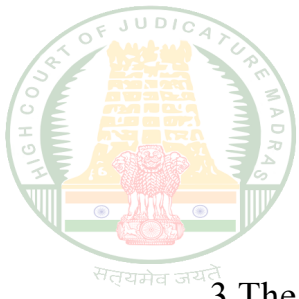
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Index : Yes / No
Internet : Yes/ No
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To:

1.The District Collector / Member Secretary,
Tirunelveli Local Planning Authority,
Tirunelveli.

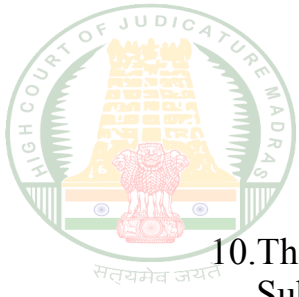
2.The District Collector,
Collectorate,
Tirunelveli District.

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- 3.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.
- 4.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.
- 5.The District Legal Services Authority,
Tirunelveli District Court Campus,
Palayamkoattai, Tirunelveli - 627 002.
- 6.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.
- 7.The Deputy Inspector General of Registration,
Office of Deputy Inspector General of Registration,
St.Marks Street,
Behind Johns Higher Secondary School,
Near Sankar Colony, Palayamkottai,
Tirunelveli District – 627 002.
- 8.The District Registrar(Registration),
District Registrar Office,
Collectorate Campus,
Kokkirakulam,
Tirunelveli - 627 009.
- 9.The District Registrar(Administration),
District Registrar Office,
Collectorate Campus,
Kokkirakulam,
Tirunelveli - 627 009.



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10. The Sub Registrar,
Sub Registrar Office,
35-B, Firthouse Complex,
1st Floor, Ambai Road,
Melapalayam,
Tirunelveli - 627 005.



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G.R.SWAMINATHAN, J.
and
M.JOTHIRAMAN, J.

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