



W.P.(MD)No.14305 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.14305 of 2022

1.N.Reguraj

2.R.Rajyalakshmi,

3.R.Mahesh @ Maheswaran

: Petitioners

Vs.

1.The Revenue Divisional Officer,

Kodaikanal,

Dindugal District.

2.The Tahsildar,

Kodaikanal Taluk Office,

Kodaikanal,

Dindugal District.

3.Lakshmi Priya Nagendran

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's application dated 09.12.2021 in No.2021/0154/13/001676 to 678 and petitioner's representation dated 06.06.2022 for sub division and issue of



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separate Patta for the land in S.No. TS 14 - 1A1, Extend of 16.78 Acres at Kodaikanal, Dindugal District, in respect of our allotted portions in the compromise and final decree dated 09.12.2020 within a reasonable time as fixed by this Court.

For Petitioner : Mr.K.Vinoharan
For Respondents 1&2 : Mr.M.Lingadurai
Special Government Pleader
For Respondent No.3 : Mr.M.Kannan

ORDER

The petitioners have filed the present Writ Petition, seeking issuance of a Writ of Mandamus to direct the second respondent to consider the petitioners' application for sub-division and issuance of separate patta.

2. Heard the learned Counsel on either side.

3. Learned Counsel for the petitioners submits that the request of the petitioners is based on a compromise decree passed in O.S.No. 31 of 2015, which is based on a joint memo of compromise entered into between the parties, including the petitioners and the third respondent, who is the daughter-in-law of the family being wife of late Nagendran, son of the first petitioner. It is also brought to my notice that first petitioner has passed away pending this Writ



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Petition. However, since all the legal heirs are already parties to the present Writ Petition, there is no necessity to implead any new parties and that the death of the first petitioner alone is recorded.

4.The grievance of the petitioners is that despite the compromise decree having been passed way back on 09.12.2020, the respondents have not passed any final orders on the application for conducting survey and issuance of separate patta in terms of the compromise decree. Learned Counsel for the petitioners would invite my attention to the compromise decree, where separate items of properties with definite boundaries have been allotted to the parties therein and he, therefore, contends that there can be no impediment for the authorities to proceed with the survey and issue separate patta in terms of the said decree dated 19.12.2020.

5.However, learned Counsel for the third respondent would submit that the third respondent has signed the compromise believing the words of the father-in-law that apart from the compromise, other properties would be given to the third respondent and only to keep the honour of the family and believing the words of her father-in-law, the third respondent has proceeded to execute the joint compromise. Learned Counsel would also submit that an application to re-call the compromise decree was taken out and the same came to be dismissed and subsequently, an application to



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restore the said application has been filed in I.A.No.12 of 2024 and that the said application is pending enquiry.

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6.Considering the above developments pursuant to the compromise decree dated 09.12.2020, this Writ Petition is disposed of, in the following manner:

i) The second respondent / Tahsildar shall proceed to conduct survey and take such steps for transfer of patta. However, final orders shall not be passed;

ii) the Additional District and Sessions Judge, Sivagangai, shall take up I.A.No.12 of 2024 in O.S.No.31 of 2015, after affording an opportunity to the petitioners as well as the respondents, who are the plaintiff and defendants in the suit and shall pass final orders disposing of the said Interlocutory Application, on merits and in accordance with law on or before **30.06.2025**;

iii) subject to the outcome of the application in I.A.No.12 of 2024, the second respondent / Tahsildar, shall release the final orders pursuant to the preliminary steps taken pending the final disposal of I.A.No.12 of 2024, within a period of two [2] weeks, thereafter. The Tahsildar shall conduct survey and identify the availability of the extent of lands in terms of compromise decree and thereafter shall pass orders;

iv) in the event of the application filed by the third respondent being allowed, then the Tahsildar shall reject the application of the



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petitioners, seeking survey and separate patta. In the event of the application being dismissed, the Tahsildar shall issue separate patta based on the petitioners' request, within a period of one [1] week thereafter;

v) the District Court, Sivagangai, shall ensure that the Interlocutory Application is disposed of on or before **30.06.2025**, without seeking for further extension of time. In the meantime, the petitioners shall remit the necessary charges for survey to be conducted.

There shall be no order as to costs.

04.04.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The Additional District & Sessions Judge,
Sivagangai.

2.The Revenue Divisional Officer,
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Dindugal District.

3.The Tahsildar,
Kodaikanal Taluk Office,
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P.B.BALAJI., J.

MR

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