



W.A.No.3782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.3782 of 2025
and C.M.P.No.31265 of 2025

P. Velu
S/o.Pandurangan,
Thagadi Village and Post,
Tirukoilur Taluk,
Kallakurichi District.

Appellant

Vs

- 1.Murugadass
S/o.Velu,
Thagadi Village and Post,
Tirukoilur Taluk,
Kallakurichi District.
- 2.The District Collector
Kallakurichi District.
- 3.The Revenue Divisional Officer
Kallakurichi District.

Respondents



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PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.31732 of 2024, dated 09.12.2024.

For Appellant: Mrs.R.Poornima

For Respondents: Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.M.Habeeb Rahman
Government Advocate
for respondent Nos.2 and 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The writ appeal has been filed by the appellant [father] on the ground that on the date when the order was passed by the writ court, he had already executed another settlement deed in favour of his second son.

2. On the basis of the undertaking given by the writ petitioner/first respondent herein [first son of the appellant] that he will pay Rs.3,000/- per month to the appellant, the learned Single Judge set aside the order of the Collector and the settlement



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arrived at between the appellant and the grandsons [children of first respondent herein] was revived.

3. Even though it was within the personal knowledge of the appellant that he had executed second settlement deed in favour of his second son on 19.11.2024, this fact was conveniently suppressed when the case was heard by the learned Single Judge on 9.12.2024.

4. There is no reason why the principle of *lis pendens* should not be applied in the present case. The second settlement deed was executed when the order of the Collector was pending challenge before this court. Obviously, had this fact been brought to the notice of the learned Single Judge, a consequential order would have been passed.

5. We modify the order of the learned Single Judge only to the extent that the effect of the order of the learned Single Judge would be revival of the first settlement deed between the appellant and the grandsons [children of first respondent herein] and the second



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settlement between the appellant and the second son would lose its efficacy in law. Barring the said modification, no other interference is warranted.

6. It is made clear that the first respondent [first son] shall continue to pay Rs.3,000/- per month and if there is any failure, the appellant would be at liberty to approach this court seeking appropriate action against violation of the order.

Writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
07.01.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

WEB COPY

- 1.The District Collector
Kallakurichi District
- 2.The Revenue Divisional Officer
Kallakurichi District.



WEB COPY



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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