



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.08.2015

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THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.14790 of 2014

and

M.P(MD)No.1 of 2014

V.Jaiwanth Kumar Babu

... Petitioner

Vs.

1.Inspector General of Registration,
Santhome, Chennai-04.

2.The Sub-Registrar,
Vadasery,
Nagercoil, Kanyakumari District.

3.N.Rajammal

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the Registration of unilaterally executed cancellation deed in Doc.No.1632/2014, dated 26.08.2014 on the file of the second respondent and quash the same and consequently direct the respondents 1 and 2 to remove the unilateral cancellation of settlement deed executed by the third respondent in Doc. 1632/2014 in the encumbrance certificate of properties comprised in lands to an extent of 32 cents in A letter and 52 cents in B letter in Old Survey No.3140 and R.S.G1/132(a total of 84 cents) Vadasery Village, Agasteeswaram Taluk, Kanyakumari District.

For petitioner

: Mr.Puhazh Gandhi

For R-1 & R-2

: Mr.M.Murugan,

Government Advocate

For R-3

:M/s.K.Elil Selvi

ORDER

The Writ Petition has been filed praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the Registration of unilateral cancellation of settlement deed in Doc.No.1632/2014, dated 26.08.2014 on the file of the second respondent and quash the same and consequently direct the respondents 1 and 2 to remove the unilateral cancellation of settlement deed executed by the third respondent in Doc.1632/2014 in the encumbrance certificate of the properties measuring to an



extent of 32 cents in A letter and 52 cents in B letter situated in Old Survey No.3140 and R.S.G1/132(a total of 84 cents) Vadasery Village, Agasteeswaram Taluk, Kanyakumari District.

2.The case of the petitioner is that the third respondent is the mother of the petitioner. Being satisfied with the care and affection rendered by the petitioner, the third respondent gifted the property comprising in Old Survey No.3140 and R.S.G1/132 measuring to an extent of 32 cents in A letter and 52 cents in B letter (a total extent of 84 cents)in Vadasery Village, Agasteeswarm Taluk, Kanyakumari District, by way of registered settlement deed in Doc.No.341/2004 on the file of Sub-Registrar Vadasery, the second respondent herein. The third respondent also handed over the possession of the properties and granted all the rights to effect mutations of revenue records in the name of the petitioner. Accordingly, the petitioner took possession of the properties and enjoyed the properties as lawful owner. The petitioner was also running a petroleum agency in the said property. While so, the third respondent under some trivial difference of opinion and at the instigation of some local religious groups, unilaterally cancelled the deed of settlement in Document No.341/2014, dated 18.02.2014 by unilateral cancellation deed in Document No.1632 of 2014 on the file of the Sub-Registrar, vadasery, the second respondent herein. Challenging the same, the petitioner has come forward with the Writ Petition for the above stated relief.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner and the third respondent submitted that the matter was compromised between the parties and a joint compromise memo has been filed before this Court to that effect.

4. In the joint compromise memo filed by the petitioner and the third respondent, it has been stated as follows:

"1.The 3rd respondent states that the petitioner is her son and he lives with her.

2.The 3rd respondent states that she being satisfied with the love, care and affection of her son and his family towards her, executed the gift of properties comprising of lands to an extent of 32 cents in A Letter and 52 cents in B Letter in Old Survey No.3140 and R.S.G1/132(a total of 84 cents), Vadasery Village, Agasteeswaram Taluk, Kanyakumari District by way of registered settlement deed Doc. No.341/2004 on the file of Sub-Registrar, Vadasery, the second respondent herein.

3. The 3rd respondent states that while she was living



on the care and affection of my son-the 1st petitioner herein, due to some trivial difference of opinion and at spur of a moment she had unilaterally cancelled the Deed of Settlement Doc. No.341/2014 dated 18.02.2014 by way of unilateral cancellation deed Doc.No.1632/2014 on the file of Sub-Registrar, Vadasery the 2nd respondent herein.

4. The 3rd respondent states that the said cancellation was not intentional but only due to trivial difference of opinion and she further states that she is living peacefully under the love, care and affection of her son- the petitioner."

5. In view of the compromise entered into between the parties, nothing survives in this Writ Petition. Accordingly, recording the memo of compromise, the Writ Petition is closed. No Costs. The first and second respondents are directed to remove the unilateral cancellation of settlement deed executed by the third respondent in Doc.1632/2014 in the encumbrance certificate of the properties measuring to an extent of 32 cents in A letter and 52 cents in B letter situated in Old Survey No.3140 and R.S.G1/132(a total of 84 cents) Vadasery Village, Agasteeswaram Taluk, Kanyakumari District. Consequently, connected miscellaneous is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

pm

To

1. Inspector General of Registration, Santhome, Chennai-04.
2. The Sub-Registrar, Vadasery, Nagercoil, Kanyakumari District.

+one cc to M/s.P.Puhazh Gandhi, Advocate in SR.No.49120

W.P (MD) .No.14790 of 2014
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CSL/AN-MP/SAR(AD)/04.09.2015

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