

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.30582 of 2014
M.P.Nos.1 and 2 of 2014

1. Dr.Sitharthan
2. Dr.Gomathi Sitharthan Petitioners
Both represented by the Power of
Attorney Mo.E. Vasudevan

Vs.

1. The District Registrar,
Central Chennai,
No.182, Bharati Salai (Pycrafts Road),
Royapettah, Chennai-14.
2. The Sub-Registrar
(District Registrar Cadre),
Sub-Registrar Office,
Purasaiwalkam,
Chennai-600 007.
3. Bagyalakshmi Sambandam
4. A.Kannasadan Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Certiorarified Mandamus, calling for the records to cancel the Cancellation Deed registered in Doc.No.2828 of 2014 dated 27.06.2014 and consequential Sale Agreement registered in Document No.2832 of 2014 dated 27.06.2014 on the file of SRO, PURasaiwalkam, Chennai, the 2nd respondent herein and quash the same as illegal, void and consequently, direct the 2nd respondent to delete the entries that reflects in the aforesaid document from the 'A' Register maintained by the 2nd respondent.

For 1st Petitioner : Mr.Haja Mohideen Gisthi
for Mrs.A.Parveen
For 2nd Petitioner : Dead
For Respondents : Mr.S.Rajeswaran,
1 and 2 Special Government Pleader

O R D E R

The Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records to cancel the Cancellation Deed registered in Doc.No.2828 of 2014 dated 27.06.2014 and consequential Sale Agreement registered in Document No.2832 of 2014 dated 27.06.2014 on the file of Sub-Registrar Office, Purasaiwalkam, Chennai, the 2nd respondent herein and quash the same as illegal, void and consequently, direct the 2nd respondent to delete the entries that reflects in the aforesaid document from the 'A' Register maintained by the 2nd respondent.

2. Today, the matter is listed under the caption, 'for reporting settlement'.

3. Though so many contentions have been raised in the affidavit filed in support of the writ petition, when the matter is called, the learned Counsel for the petitioner would submit that the 2nd petitioner, namely, Dr.Gomathi Sitharthan has passed away on 17.02.2016. Therefore, the 2nd petitioner is to be shown as dead and there is no necessity to implead the legal representatives of the 2nd petitioner. It is further submitted that after the filing of this Writ Petition, the 1st petitioner and the 3rd respondent have entered into a compromise between themselves by which the 3rd respondent has agreed and stated to have received Rs.15,00,000/- from the 1st petitioner through RTGS Transfer. A Memorandum of Understanding dated 24.01.2017 has also been filed before this Court signed by both the 1st petitioner and the 3rd respondent, who are present before this Court and attested by another daughter of the 3rd respondent, namely, S.Kamaleshwari, who is also present before this Court. The learned Counsel for the petitioner would also submit that recording the compromise entered into between the parties, the writ petition may be closed.

4. A perusal of the Memorandum of Affidavit dated 24.01.2017 would go to show that the 1st petitioner and the 3rd respondent have entered into a compromise and accordingly, they agreed to cancel the following documents, namely, 1. The Cancellation Deed bearing Doc.No.2828/2014 dated 27.06.2014, 2. The Sale Agreement Doc.No.2832/2014, dated 27.06.2014, 3. The interim order of this Court in M.P.2/2014 in W.P.No.30582/2014 which was registered as Doc.No.5076/2014 dated 28.11.2014, 4.

The Cancellation of Sale Agreement in Document No.5286/2014 dated 11.12.2014, 5. The Settlement Deed bearing Doc.No.5287/2014 dated 11.12.2014 executed by the 3rd respondent in favour of her daughter Dr.Gomathi Sitharthan and 6. The Power of Attorney bearing Doc.No.5324/2014 dated 12.12.2014.

5. The 3rd respondent, who is present before this Court would submit that she has received Rs.15,00,000/- (Rupees Fifteen Lakhs Only) from his son-in-law, the 1st petitioner herein through RTGS Transfer and the dispute has been compromised between them.

6. In view of all the above, recording the Memorandum of Understanding dated 24.01.2017 entered into between the parties, the Writ Petition is closed. The said Memorandum of Understanding dated 24.01.2017 shall form part of the record. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Central Chennai,
No.182, Bharati Salai (Pycrafts Road),
Royapettah, Chennai-14.

2. The Sub-Registrar
(District Registrar Cadre),
Sub-Registrar Office,
Purasaiwalkam, Chennai-600 007.

+6cc to Mr.A. Parveen, Advocate, S.R.No.4758
+1cc to the Government Pleader, S.R.No.4934

kj (CO)
md(27/01/2017)

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