



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P.(MD)No. 20150 of 2017

S.Raja @ Arumugam

... Petitioner

-vs-

1.The District Registrar,
District Registration Office,
Periyakulam Post, Theni District.

2.The Sub Registrar,
Theni Sub Registrar Office,
Theni District.

3.P.Manikandan

4.M.Suseela

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent herein to consider Petitioner's representation dated 07.10.2017.

For Petitioner : Mr.D.Ganeshwaran

For R1 and R2 : Mr.M.Murugan,
Government Advocate.

For R3 and R4 : Mr.S.Suresh Kumar Issac Paul

O R D E R

It is informed that the Petitioner and the Third and Fourth Respondents have entered into a compromise on 24.02.2020, and the relevant terms thereof read as follows:

"5. The property in dispute was sold by the petitioner in W.P.(MD)No.20150 to the 2nd respondent. As a power agent the 3rd respondent sold property to 4th respondent and thus the purpose of giving power has been satisfied. While so handing over of certain documents by the petitioner pertaining to the said property was delayed by him dispute arose between the petitioner the 3rd respondent which leads to filing number of criminal cases against each other and ended in failure of compromise. Before the filing of this writ petition many number of times the petitioner and the 3rd respondent entered for compromise but all the same were ended



in futile. At this juncture the petitioner filed W.P(MD) No.20150 of 2017 before this Hon'ble High court to consider the representation given to the District Registrar, Theni to cancel the power of attorney executed in favour of 3rd respondent but before filing of this writ petition the petitioner has cancelled the power of attorney given by him to the 3rd respondent and it also got entered in the encumbrance of the property. The petitioner also by knowing very well that after the execution of sale deed for the very purpose the power deed was executed there is no validity or any legal purpose by the cancellation of the said power deed, Any how the same was unnecessarily gained entry in the encumbrance of the disputed property and the said entry which is unnecessary would affect the marketable title of the said property.

6. Now after appearance of the respondent in the writ petition both parties decided to compromise the disputes between them. Accordingly the 3rd respondent accepted to give Rs.7,00,000/- to the petitioner and after receiving the amount the petitioner accepted to give a representation to the Registrar Theni, to remove the entry which is the cancellation of the power deed and also executed a separate receipt for the receiving of the said amount.

7. Thus the both parties entered in to the comprise with the whole heartedly. Further the petitioner is willing to extend the fullest co-operation to remove the entry in the encumbrance dated 12.02.2020 and accept to come to the Registration office any time to cancel or remove the above said cancellation documents bearing no 1073/2018. The petitioner reiterated that the power given by him to the 3rd respondent 03.02.2014 bearing no 681/2018 is a valid one and he is having no right (or) Ownership or any other link with the said property and the said property is absolutely free from any encumbrance and the sale deed dated 27.08.2014 executed by the 3rd respondent in favour of 4th respondent based on the said power deed as an absolute and valid one and the cancellation of the power deed by him is not valid one and it does not carry any meaning and he is endorsing his "No Objection" to remove the entry from the encumbrance in the schedule property Theni District, Periyakulam Sub District, Theni Sub district, Theni circle, Thadicherry village total land measuring 2 acre 45 cents in S.Nos: 78/3B, 784B, 78/5B measuring 85 cents, 82 and 1 acre 05 cents.

8. The petitioner is not interested to proceed with the writ petition further at any point of time against the petitioner herein. Therefore the writ petition may be disposed as per this compromise deed."



2. In view of the aforesaid subsequent events, Learned Counsel for the Petitioner has filed a memo dated 18.03.2020 seeking to record the aforesaid facts and permit the Petitioner to withdraw the Writ Petition.

3. Accordingly, the Writ Petition is dismissed as withdrawn. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl: Xerox Copy of Joint Compromise memo

das

To

1.The District Registrar,
District Registration Office,
Periyakulam Post,
Theni District.

2.The Sub Registrar,
Theni Sub Registrar Office,
Theni District.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-12319[F] dated 18/03/2020)

+1 CC to M/s.S.SURESH KUMAR ISAAC PAUL, Advocate (SR-12531[F] dated 19/03/2020)

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