

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14907 of 2020 &
W.M.P.No.18504 of 2020

M.Sairam

... Petitioner

Vs

1.The District Collector,
Tiruvannamalai District.

2.The Tahsildar,
Vembakkam Taluk,
Tiruvannamalai District.

3.The Revenue Inspector,
Vembakkam Village,
Tiruvannamalai District.

4.S.Jayanthi @ Lakshmi Prabha ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the 2nd Respondent herein in form No.1 (Sec- 8) of Attachment order dated 28.09.2020 and to quash the same and consequently direct the 2nd Respondent herein to attach Petitioner Property bearing Plot No. 65, comprised in survey no.174/ 3, situated at Menakshi Nagar Guduvancheri Village instead of property and premises bearing Door No. 1/16, situated at Vellalar Street, Vengalathur Village, Venbakkam Taluk, Thiruvannamalai District as well as the vacant land ad-measuring to an extent of 1 Acre 56 cents, comprised in Survey No . 89/2A, 87/4B, 87/3A and 87/3R, situated at Vengalathur Village, Venbakkam Taluk Thiruvannamalai District to satisfy the claim of the maintenance amount of Rs.12,00,000/- payable by the petitioner to the 4th respondent herein and his daughter.

For petitioner ... Mr.L.Gavaskar
For Respondents 1 to 3 ... Mr.K.Parameshwaran,
Government Advocate

For Respondent 4 ... Ms.T.Hemalatha

ORDER

This Writ Petition has been filed challenging the attachment order dated 28.09.2020 passed by the second respondent.

2. Heard Mr.L.Gavaskar, learned counsel for the petitioner, Mr.K.Parameshwaran, learned Government Advocate appearing for the respondents 1 to 3 and Ms.T.Hemalatha, learned counsel appearing for the respondent 4.

3. The petitioner and the fourth respondent have filed a joint memo of compromise dated 04.03.2021 before this Court and the said Joint memo of compromise reads as follows:

"The petitioner and 4th respondent humbly submit as follows:

1. The petitioner and 4th respondent submit that the petitioner has filed above writ petition against the respondent herein before this Hon'ble Court to issue a writ in the nature of Writ of Certiorarified Mandamus or any other writ or order or direction to call for the records pertaining to the Proceedings of the 2nd Respondent herein in form No.1 (Sec- 8) of Attachment order dated 28.09.2020 and to quash the same and consequently direct the 2nd Respondent herein to attach Petitioner Property bearing Plot No. 65, comprised in survey no.174/ 3, situated at Menakshi Nagar Guduvancheri Village instead of property and premises bearing Door No. 1/16, situated at Vellalar Street, Vengalathur Village, Venbakkam Taluk, Thiruvannamalai District as well as the vacant land ad- measuring to an extent of 1 Acre 56 cents, comprised in Survey No . 89/2A, 87/4B, 87/3A and 87/3R, situated at Vengalathur Village, Venbakkam Taluk Thiruvannamalai District to satisfy the claim of the maintenance amount of Rs.12,00,000/- payable by the petitioner to the 4th respondent herein and his daughter.

2. The petitioner and 4th respondent submit that after filing the above Writ Petition there was compromise arrived between the petitioner and 4th respondent. In pursuance to the compromise the petitioner agreed to execute a settlement deed to and infavour of 4th respondent in respect property situated bearing Plot No.65, comprised in Survey No.174/3, situated at Menakshi Nagar Guduvancheri Village, Chengalpet District towards permanent alimony and full and final settlement. The 4th respondent has also agreed for the same. Thereafter, the petitioner has executed the settlement deed vide Doc.No.1254 of 2020 on

24.12.2020 to and infavour of the 4th respondent in respect of the property towards the permanent alimony. Therefore on the same day the Memorandum of Understanding executed into between the petitioner and 4th respondent and in which the 4th respondent also agreed to file a compromise memo in the above writ petition along with petitioner.

3. Therefore the petitioner herein prays that this Hon'ble Court may be pleased to quash the impugned proceedings of the 2nd respondent in Form No.1 (Sec.8) of Attachment order dated 28.09.2020.

In the above circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to record this Compromise Memo and quash the impugned proceedings of the 2nd respondent herein in Form No.1 (Sec-8) of Attachment order dated 28.09.2020 and thus render justice."

4. The terms of compromise reflected in the Joint Memo of Compromise dated 04.03.2021 is recorded by this Court. The said Joint Memo of Compromise dated 04.03.2021 shall form part of this order.

5. In the result, the impugned proceedings of the second respondent dated 28.09.2020 is hereby quashed and the writ petition is allowed in terms of Joint Memo of Compromise dated 04.03.2021. No cost. Consequently, connected miscellaneous petition is closed.

***Herein enclose xerox copy
of Memo of Compromise**

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Tiruvannamalai District.

2.The Tahsildar,
Vembakkam Taluk,
Tiruvannamalai District.

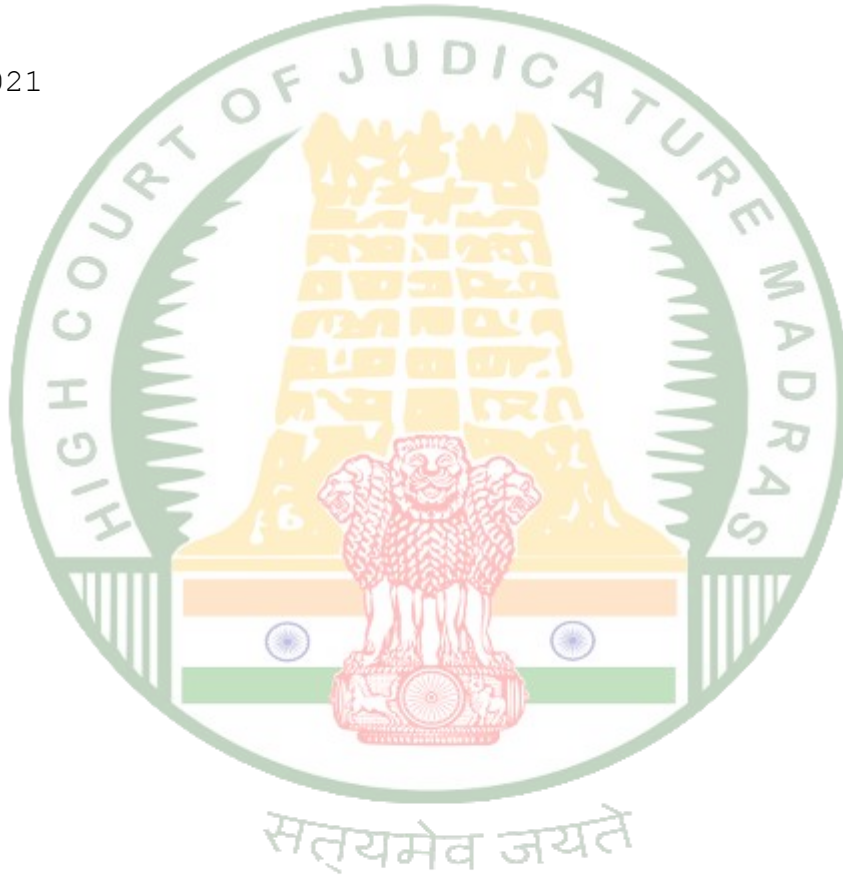
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3.The Revenue Inspector,
Vembakkam Village,
Tiruvannamalai District.

+2 ccs to M/s.L.Gavaskar advocate sr17390
+1 cc to Mr.T.Hemalatha Advocate sr17190
+1 cc to the Government Pleader sr17144

W.P. No.14907 of 2020

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