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W.P.Nos.18290 and 11386 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.Nos.18290 and 11386 of 2021
and W.M.P.Nos.19527 and 12067 of 2021

Nagammal

... Petitioner in both W.Ps

Vs.

1.State represented by Secretary,
Social Welfare and Nutrition Meal,
Fort St. George, Chennai-600 009.

2.The District Collector,
Cum Appellate Tribunal
Chengalpet District.

3.The Revenue Divisional Officer,
Chengaleput,
Maintenance and Welfare of Parents
and Senior Citizens Tribunal
and Divisional Administrative Tribunal

4.Sub-Registrar,
Thirukazhukundram Taluk,
Chengaleput District.

5.K.Kuppusamy

6.Arumbu

7.Rajeswari

... Respondents in both W.Ps

Prayer in W.P.No.18290 of 2021: The writ petition filed under Article 226 of
the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for



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the records relating to the impugned order dated 15.07.2021 in Ref in R.C.No.9363/2020/M1 on the file of the second respondent, confirming the order passed by the third respondent, dated 15.10.2020 in reference Na.Ka.A1/853/2020 under Section 23(1) of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and quash the same and direct the fourth respondent to cancel the documents registered by the fifth respondent i.e., the settlement cancellation deed in Doc.No.4136 of 2020 and consequent settlement deed in Doc.No.2521 of 2021 by the fifth respondent and restore the settlement deed dated 08.12.2006 in Doc.No.74754 of 2006 within registration jurisdiction of fourth respondent on the file of the fourth respondent.

Prayer in W.P.No.11386 of 2021: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the fourth respondent from registering or admitting any document presented by the respondents 5 and 7 in respect of the property comprised in Survey No.13/4A of an extent of 0.95 ½ cents situated at Kunnathur Village, Thirukazhukundram Taluk, Chengalpet District pending disposal of the Appeal dated 11.11.2020 filed under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and direct the second respondent to dispose of petitioner's appeal dated 11.11.2020 file under Section 16 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

In both W.Ps

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.K.Tamilvendan
Government Advocate for R1 to R4

No Apperance for R5 to R7



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COMMON ORDER

A certain Kuppusamy had few items of properties and also few children. While so, on 08.12.2006, he settled two items of properties in favour of his son Chandrasekar. On 22.09.2009, Chandrasekar died. After about a decade, Kuppusamy laid a complaint before the Revenue Divisional Officer concerned under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking cancellation of the settlement deed which he had executed in favour of Chandrasekar against latter's widow of Chandrasekar. Vide order dated 15.10.2020, the authority concerned cancelled the settlement deed, dated 08.12.2006. This was inconsequentially challenged before the District Collector who assumes jurisdiction to dismiss it when the statute does not authorise him to entertain the appeal. By default, the daughter in law of Kuppusamy, has moved this Court with this petition. In the meantime, Kuppusamy had executed a cancellation deed dated 11.11.2020, wherein after he had settled the same properties to the seventh respondent herein. Effectively, Kuppusamy has moved out of the scene.

2.The contest is now directly between the daughter in law of Kuppusamy and his grand daughter, the seventh respondent. This Court referred the matter to mediation, and the mediation was successful.



3.The terms of the memo of compromise entered into between the parties is as below:

"The SECOND PARTY OF THE PARTY OF THE SECOND PART ie.. Mrs. Rajeswari, wife of Durairaj, Hindu, aged 33 years, residing at 2/376, Kunnathur Village, Bus Stand, Manamai Post, Thirukazhukundram Taluk, Chengieput District agrees to sell subject property ie., the land in Survey No. 13/4A of an extent of 0.95 Cents situate at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District ie., the schedule property to the adopted son of the PARTY OF THE FIRST PART ie, the Mr.M.SUDHAKAR (Aadhar No. 3002 3302 4506) son of Murugesan, aged 39 years, residing at No. 2/169, School Street, Manamai Post, Kunnathur, Kancheepuram District for a valuable consideration of Rs. 10,00,000/- (Rupees Ten Lakh only) in full and final settlement for re-conveyance of the nanja land comprised in S.No.13/4A of an extent of 0.95% cents situated at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District.

The PARTY OF THE FIRST PART agree to pay the said sum of Rs. 10,00,000/- (Rupees Ten Lakh only) by Demand Draft Dt: 05/10/2023, bearing No. 784882, drawn on Indian Bank, Anupuram Township Branch in favour of the Second Party of the Second Part namely Mrs. Rajeswari, wife of Durairaj, through the adopted son of the Petitioner / PARTY OF THE FIRST PART namely Mr.M.SUDHAKAR at the time of registration of the said Sale Deed for the land in Survey No



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13/4A of an extent of 0.95% Cents situate at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District in the present of the Sub Registrar – Thirukazhukundram.

The Second party of the PARTY OF THE SECOND PART agrees to receive the said sum of Rs 10,00,000/- (Rupees Ten Lakh only) by Demand Draft by Demand Draft Dt: 05/10/2023, bearing No.784882, drawn on Indian Bank, Anupuram Township Branch, which was taken from the funds of the adopted son the PETITIONER/PARTY OF THE FIRST PART ie, from Mr.M.SUDHAKAR at the time of registration of the said Sale Deed for the land in Survey No. 13/4A of an extent of 0.95% Cents situate at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District in the presence of the Sub Registrar – Thirukazhukundram and agrees execute the Sale Deed in favour Mr.M.SUDHAKAR for the above said land ie., the schedule property and to deliver the original documents pertained to the subject property ie., Settlement Cancellation Deed in Doc. No.4136 of 2020 and Settlement Deed in Doc No.2521 of 2021 to him and that henceforth the PARTIES OF THE SECOND PART are not entitled to claim any manner of title, right, interest or claim in the said property ie., land in Survey No 13/4A of an extent of 0.95% Cents situate at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District and agrees to deliver possession of vacant land abovementioned to the adopted son of the Petitioner/Party of the FIRST PART namely Mr.M.SUDHAKAR;

By signing this Memorandum of Compromise the Parties



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hereto state that the PETITIONER / PARTY OF THE FIRST PART and SIXTH AND SEVENTH RESPONDENTS/PARTY OF THE SECOND PART in W.P.No.11386 and 18290 of 2021 on the file of High Court of Judicature as Madras has no further claims or demands with respect to the subject property and that all disputes and differences in this regard have been amicably settled by the Parties.

SCHEDULE OF PROPERTY

Nanja land of an extent of Acre 0.95 ½ Cents comprised in Survey No.13/4 situated at Kunnathur Village, Thirukazhukundram Taluk, Chengleput District."

4.In view of the same, nothing survives for consideration. The above terms of the compromise shall form part and parcel of this order. The Sub Registrar concerned is now free to register any document pertaining to the property comprised in settlement deed dated 18.12.2006, either as between the petitioner and the seventh respondent or jointly by seventh respondent and the petitioner in favour of any third parties.

5.These Writ Petitions stands disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No Costs.

29.11.2023



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Neutral citation : yes/no

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N.SESHASAYEE, J.

Anu

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