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W.P.(MD)No.13800 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13800 of 2020

and

W.M.P.(MD)No.11450 of 2020

1.V.Pandurengan

2.P.Velraj

... Petitioners

VS.

1.The Inspector General of Registration,
Office of the Inspector General of
Registration,
No.100, Santhome High Road,
Chennai-28.

2.The District Registrar, (South),
Office of the District Registrar,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai-625 107.



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3.The Sub-Registrar,
Thiruparankundram Sub-Registrar
Office,
Thiruparankundram,
Madurai District.

4.K.Sivapriya

5.K.Vignesh

6.K.Sumithra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Gift Deed, dated 28.09.2010, doc. no. 4385/2010, on the file of the 3rd respondent and to quash the same and consequently, to direct the 3rd respondent to delete the entries from the Register of Book of Entries relating to the Gift Deed, dated 28.09.2010, doc.no.4385/2010, on the file of the 3rd respondent.

(Prayer amended, vide Court order, dated 25.03.2021, in W.M.P. (MD)No.5226 of 2021 in W.P.(MD)No.13800 of 2020)



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For Petitioners : Mr.M.Aravind Subramaniam
For R1 to 3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for Writ of Certiorarified Mandamus, to quash the Gift Deed, dated 28.09.2010, on the file of the 3rd respondent and consequently, to direct the 3rd respondent to delete the entries from the Register of Book of Entries relating to the Gift Deed, dated 28.09.2010, on the file of the 3rd respondent.

2. The petitioners are the purchasers of the land situated at Door No.31, 1/31, 1/31A, 1/31B, 1/31C, 1/31D, 1/31E, (Property Tax Assessment No.132, 133, 134, 135, 136, 137) in Roja Street, in Survey No.150/1, Harveypatti, Thirupparankundram, Madurai South Taluk,



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Madurai District. The original owner namely, one Kandasamy, son of Velayutham has sold the property to the petitioners. After selling the property, the said Kandasamy had executed the gift deed in favour of his daughter namely, K.Sivapriya, who is the 4th respondent and his minor son K.Vignesh, represented by next friend and natural guardian mother K.Sumithra. Therefore, the petitioners have come up with this writ petition.

3. The writ petition was referred to mediation. In the mediation, the parties have entered into a settlement and the terms of settlement is extracted here under:

“A.The respondents 4, 5 and 6, have agreed for setting aside the settlement deed dated 28.09.2010 executed by Late.Kandasamy, Father of respondents 4 and 5 and Husband of Respondent No.6,



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which is registered as Doc.No.4385/2010 on the file of Sub Registrar, Tiruparankundram (3rd Respondent). Madurai.

B. The parties agree that they have no claims against each other pertaining to the above land.

C. The respondents 4, 5 and 6 have also agreed that his Hon'ble Court may pass appropriate order setting aside the above mentioned settlement deed dated 28.09.2010 and allow the writ petition.”

4. Since the matter is settled before the mediation, recording the said settlement, the writ petition is allowed. The terms shall be part and parcel of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Tmg

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S.SRIMATHY, J

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