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W.P.No. 17868 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.17868 of 2022

and

W.M.P.No.17216 of 2022

K. Uvaraja

.. Petitioner

Versus

1. The District Collector,
Rajaji Salai, No.62, Beach Road,
Singaravelan Maligai, 4th Floor,
George Town, Chennai,
Tn – 600 001.

2. Revenue Divisional Officer,
Chennai Central Tribunal,
Anna Nagar Extension,
Chennai 600 101.

3. The Sub Registrar,
Sub Registrar Office,
(Ashok Nagar)
No.576, Mogappair West,
Ambattur District
Chennai – 600 037.

4. K. Mohana

...Respondents



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Prayer: This petition is filed under article 226 of the constitution of India to issue a writ of certiorari calling for the records from the second respondent pertaining to the order vide Na.Ka.No.A4/572/2021 dated 28.02.2022 and quash the same and may also pleased to pass any other orders.

For Petitioner : Mr.G.Rajesh

For Respondents 1 to 3 : Mr.K.H.Ravikumar
Government Advocate

For Respondent 4 : Mrs.R. Varalakshmi

ORDER

This petition is filed to issue a writ of certiorari calling for the records from the second respondent pertaining to the order vide Na.Ka.No.A4/572/2021 dated 28.02.2022 and quash the same

2. The case of the petitioner is that the petitioner is the son and the fourth respondent is the mother. The petitioner's father executed a settlement deed in his favour on 29.09.2010. The petitioner's father and



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mother executed a settlement deed in his favour on 29.09.2010. The petitioner's father and mother executed another settlement deed dated 29.09.2010 in favour of the petitioner. Both the settlement deeds have been ordered to be cancelled vide order dated 28.02.2022 in Na.Ka.No.A4/572/2021, which has given rise to this writ petition.

3. The learned counsel for the petitioner submitted that this Court vide order dated 06.03.2024 referred the matter to the mediation centre and as per the direction of this Court, both the parties appeared before the mediation centre and the matter has been settled.

4. Memo of compromise entered between the parties on 08.03.2024 is as follows:

1. It is submitted that the petitioner has filed the above case challenging the order of second respondent in Na.Ka.No.A4/572/2021 dated 28.02.2022 in respect of cancellation of settlement deed dated 28.09.2010 in Document No.2039/2010 and settlement deed dated 22.03.2021 in Document No.958/2021. The 4th respondent is the mother of the petitioner. Hence this Hon'ble Court referred the above case to mediation and ordered both petitioner and the 4th respondent and their family members to appear before the mediation on 11.03.2024. The petitioner and his wife



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Thamaraiselvi, and the 4th respondent and her two daughters namely Saraswathi and Prabha and both side counsels were present before the Mediator Mr.Naresh Kumar on 11.03.2024 to 05.04.2024 between the parties, amicable solution was reached between the petitioner and the 4th respondent on the following terms.

a) The petitioner has been giving Rs.15,000/- per month to the 4th Respondent by virtue of order in WMP.No.17216 of 2022 dated 14.07.2022 and further the 4th respondent asked to higher the maintenance amount for her expenses and hence the petitioner undertakes to give monthly maintenance of Rs.23,000/- which includes all medical and medicinal expenses to the 4th respondent from the month of May 2024 and the same shall be credited to her Bank Account 046301000024561 in Indian Overseas Bank, Dr. Natesan Road, Ashok Nagar, Branch on or before 10th of every English Calendar month. Further the 4th respondent does not have a seperate claim whatsoever as accruing as per document No.2039 of 2010 and Document No.2041/2010 executed by the 4th respondent and already settled in favour of the petitioner herein other than the maintenance amount of Rs.23,000/- per month as afore said. On prompt compliance of maintenance including medical and medicinal expenses by the petitioner to the 4th Respondent.

b) The Petitioner undertakes to take care of the 4th respondent and further undertakes to provide her food and other things needed to lead a peaceful life.

c) In is agreed between the parties that the petitioner will not disturb possession of the 4th respondent in the house portion, where she is living, at No.62, 100 feet Road, K.K.Road, M.G.R.Nagar, Chennai 600 078 till her lifetime. Further, the 4th Respondent does not have right to let her living



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portion of house as afore mentioned for rent to other parties.

d) It is agreed between the parties that the petitioner shall not prevent his sisters namely Saraswathi and Prabha and their children to see her mother, the 4th Respondent herein.

e) it is agreed that if the petitioner failed to follow the terms agreed herein, the 4th respondent is at liberty to approach the second respondent for maintenance under this MOU.

f) The petitioner and the 4th respondent agreed that the order of the second respondent in Na.Ka.Na.A4/572/2021 dated 28.02.2022 in respect of cancellation of settlement deed dated 28.09.2010 in Document No.2039/2010 and settlement deed dated 22.03.2021 in Document No.958/2021 may be set aside based on this compromise and the issue between the petitioner and 4th respondent is settled once for all. Hereafter the 4th respondent will not claim her ownership regarding the properties settled to the petitioner on proper compliance of this compromise memo.

g. The petitioner and 4th respondent confirm that there is no force, coercion from any one for filing this memo of compromise.

2. The petitioner and 4th respondent therefore pray that this Hon'ble Court may be pleased to record this memo of compromise in the above case and pass such or other order as this Hon'ble Court may thin as deem fit and proper in the circumstances of the case.

5. In view of the above submissions made by the learned counsel



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appearing for the petitioner this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed. The memo of compromise filed by the learned counsel appearing for the petitioner which is extracted above forms part of this order.

17.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.



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