



W.P.(MD)No.23225 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23225 of 2022
and W.M.P.(MD)No.17312 of 2022

S.Meenakshisundaram

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Registrataion Department,
New Collectorate Campus,
Trichy Road, Thanjavur.

2.The District Registrar (Administration),
Registration Department,
New Collectorate Campus,
Trichy Road, Thanjavur.

3.Joint Sub Registrar No.1,
Thanjavur, New Collectorate Campus,
Trichy Road, Thanjavur.

4.Balaji

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the registration of the cancellation of the settlement deed executed by the 4th respondent dated 29.12.20211 registered as document No.



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7771/2011 on the file of the 3rd respondent and quash the cancellation deed dated 27.01.2012 registered as document No.399/2012 as illegal in respect of the property in Plot No. 4 measuring 5325 sq.ft in T.S.No. 415 (Old No. 3074) Nadu Theru, Selvam Nagar, 4th Ward Thanjavur Corporation.

For Petitioner : Mr.P.Vadivel

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 to R3
Mr.V.K.Vijayaraghavan for R4

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the registration of the cancellation of the settlement deed executed by the 4th respondent dated 29.12.20211 registered as document No.7771/2011 on the file of the 3rd respondent and quash the cancellation deed dated 27.01.2012 registered as document No.399/2012 as illegal in respect of the property in Plot No. 4 measuring 5325 sq.ft in T.S.No. 415 (Old No. 3074) Nadu Theru, Selvam Nagar, 4th Ward Thanjavur Corporation.



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2. The petitioner and the 4th respondent are present and they have submitted that they have entered into a memorandum of compromise. They have also produced the said memorandum of compromise dated 04.10.2024 before this Court. The terms of the said memorandum of compromise are read as follows:

“1.The 4th respondent shall execute a registered Deed of Settlement to the writ petitioner on or before 30.04.2025 in respect of Building and site bearing Door No.415 (old survey No.3074) at Selvam Nagar, Thanjavur. The expenses of registration of above document shall be borne by the writ petitioner. The 4th respondent shall hand over possession of the above property on or before 30.04.2025. The 4th respondent has mortgaged the above house with L.I.C. Housing Finance Ltd, Thanjavur for Rs.30,00,000/- and undertakes to discharge the debt before 30.04.2025. The 4th respondent shall hand over all original documents, tax receipts, town survey records etc. to his brother/writ petitioner for the above property while handing over possession.

2. The father of the writ petitioner and 4th respondent had executed a registered settlement deed on 31.03.2005 to the writ petitioner herein in respect of site and building bearing Door No 51, plot No.51 measuring 3960 sq.ft. situated in T.S.No.1/1, (R.S. No.1/1) Municipal 4th Ward, Neelagiri Therku Thottam, Thanjavur Taluk, Thanjavur Corporation, Prathaba Simhapuram of Srinivasapuram, Thanjavur. The writ petitioner agrees to execute a registered settlement deed to 4th respondent on or before 30.04.2025. The registration expenses shall be borne by the 4th respondent. The writ petitioner agrees to hand over all original



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documents, tax receipts EB, Town Survey records etc., and possession of property at the time of registration.

3. The writ petitioner agrees to execute a Registered release deed to 4th respondent to confirm his ownership in respect of the following properties:

- 1.Borewell at Mottukolai*
- 2.Borewell and electricity service at Milladdi*
- 3.Survey No. 72/3A4 to the extent of 1.5 Ares*
Survey No.72/3B2 to the extent of 5 Ares
Survey No.618/1B1 to the extent of 10 Ares
Survey No.117A/1A3 to the extent of 2 ½ Ares
Survey No.618/1A1 to the extent of 21 Ares
Survey No.112/B10 to the extent of 3 Ares
Survey No.110/7A to the extent of 2.84 Ares
Survey No.110/9A to the extent of 1.82 Ares

situated at Edamelaiyur West Village, Needamangalam Taluk, Thiruvarur District.

Survey No.503/1A to the extent of 39 Ares
(4th respondent's share 13 Ares)

situated at Edamelaiyur Nadu Street Village, Needamangalam Taluk, Thiruvarur District.

4. The 4th respondent agrees to execute a registered release deed in favour of writ petitioner to confirm his ownership in respect of following properties:



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Survey No.503/1A to the extent of 39 Ares

(Writ Petitioner's share 13 Ares)

situated at Edamelaiyur Nadu Street Village, Needamangalam Taluk, Thiruvarur District.

5. Both parties agree that the properties belonging to family (ancestrally) remaining undivided situated at Edamelaiyur West Village, Needamangalam Taluk, Thiruvarur District shall belong to their mother. They have no objection for her to enjoy with right of alienation.

6. It is declared that no amount is due by 4th respondent to writ petitioner.

7.Both parties pray for recording of compromise to the above terms and for passing orders and the Memorandum of Compromise may be attached to the order in the above Writ Petition. ”

3. In view of the said memorandum of compromise dated 04.10.2024, the impugned order dated 27.01.2012 is quashed and the Writ Petition is allowed. The memorandum of compromise dated 04.10.2024 filed by the petitioner and the 4th respondent shall form part of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

vsm

To

- 1.The Deputy Inspector General of Registration,
Registrataion Department,
New Collectorate Campus,
Trichy Road, Thanjavur.
- 2.The District Registrar (Administration),
Registration Department,
New Collectorate Campus,
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- 3.Joint Sub Registrar No.1,
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