



W.P(MD)No.2744 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.2744 of 2023

and

W.M.P(MD)Nos.2511 & 2512 of 2023

1.P.Kaviya
2.P.Rajvishwa

..Petitioners

Vs

1. The District Collector
Madurai District, Madurai.
2. The Revenue Divisional Officer and
Maintenance and Welfare of Parents and Senior Citizen Tribunal Chief
Officer, Madurai, Madurai District.
3. The Joint I Sub Registrar
Madurai North, Madurai.
4. Palaniyammal,

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in Moo.Mu. 818/2022/J dated 13.04.2022 on the file of 2nd respondent and quash the same as illegal and unconstitutional and consequently direct the 3rd respondent to remove the entry of the impugned order from the encumbrance in respect of property situated in Madurai Town, Survey No. 177/2, bearing Door No. 10/19 at North Line 3rd Street, Simmakkal, Madurai to an extent of 210 Sq. Ft.



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W.P(MD)No.2744 of 2023

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.D.Sasikumar
Addl. Govt. Pleader (for R1 to R3)

Mr.C.Kathiravan (for R4)

ORDER

This writ petition has been filed challenging the impugned order passed in Moo.Mu.No.818/2022/J, dated 13.04.2022, on the file of the 2nd respondent, and consequently seeking a direction to the 3rd respondent to remove the entry relating to the said impugned order from the encumbrance certificate in respect of the property situated in Madurai Town, Survey No. 177/2, bearing Door No.10/19, North Line 3rd Street, Simmakal, Madurai, to an extent of 210 sq. ft.

2. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner and the learned counsel appearing for the fourth respondent were present. They submitted that the dispute has been amicably settled between the parties and a Joint Memo of Compromise dated 10.09.2025 has been filed before this Court. Both parties are present before this Court and have affirmed the terms of settlement. The terms of the Joint Memo of Compromise read as follows:-



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W.P(MD)No.2744 of 2023

“a. The 4th Respondent admits and confirms that the Settlement Deed dated 26.08.2004 in Doc.No.1442 of 2004 on the file of the 3rd Respondent was executed voluntarily and legally in favour of her daughter Nagalakshmi, and that after her death, the Petitioners are the rightful successors to the said property.

b. The 4th Respondent has received a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) by demand draft bearing D.D.No. 651659 dated 10.09.2025, State Bank of India, Alanganallur from the Petitioners towards full and final settlement of all her past and future claims over the property.

c. The 4th Respondent has no objection to allow the writ petition as prayed for, by quashing the order passed by the 2nd Respondent in Moo.Mu.818/2022/J dated 13.04.2022. The 4th Respondent has no objection to the removal of the entry made in the Encumbrance Certificate of 3rd respondent's office in Document No.13 of 2022 dated 20.05.2022, relating to the order of the 2nd Respondent, and to the restoration of title as per the original Settlement Deed, Document No. 1442/2004 dated 28.04.2004.

d. The 4th Respondent undertakes that she will not claim any right, title, interest, or possession over the said property now or in the future and that she will not interfere with the peaceful possession and enjoyment of the Petitioners.

e. The 4th Respondent also undertakes that she has not created and will not create any encumbrance, sale, mortgage, charge, or alienation over the said property. If any



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W.P(MD)No.2744 of 2023

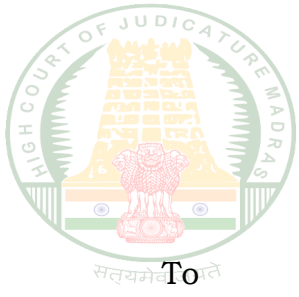
such transaction is claimed or discovered, the same shall be treated as void and not binding on the Petitioners.

f. The Petitioners and the 4th Respondent agree that this compromise has been entered into voluntarily, without any force, coercion, or undue influence, and with a full understanding of its legal consequences.”

3. In light of the above facts, this writ petition is allowed in terms of the Joint Memo of Compromise dated 10.09.2025. The impugned order passed by the 2nd respondent in Moo.Mu.No.818/2022/J, dated 13.04.2022, is set aside. Consequently, the encumbrance entry effected by the Sub Registrar is directed to be removed. The Joint Memo of Compromise shall form part of this order. No costs. Consequently, connected miscellaneous petitions are closed.

10.09.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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P.T.ASHA, J.

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