



W.P(MD)No.17932 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17932 of 2025

G.Senthil Kumar

... Petitioner

Vs.

The Sub-Registrar,
Karaikudi Joint - I,
Karaikudi,
Sivagangai District.

... Respondent

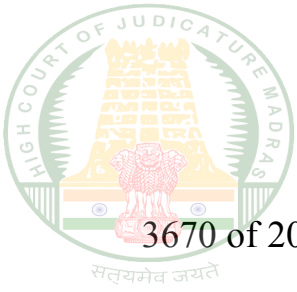
PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to delete the entries in encumbrance pertaining to the cancellation of the settlement deed Doc.No.1220/2017, dated 27.09.2017, in the light of the order, dated 26.03.2024, made in W.P.(MD).No.3670 of 2022 by considering the petitioner's representation, dated 09.05.2024.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondent to delete the entries in encumbrance pertaining to the cancellation of the settlement deed Doc.No.1220/2017, dated 27.09.2017, in the light of the order, dated 26.03.2024, made in W.P.(MD).No.



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3670 of 2022 by considering the petitioner's representation, dated 09.05.2024.

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2. The petitioner's mother had executed a settlement deed in favour of the petitioner. Subsequently, she unilaterally cancelled the settlement deed, hence petitioner has filed a writ petition in W.P.(MD)No.3670 of 2022. Pending the writ petition the petitioner and the mother had entered into compromise, hence the Court vide order, dated 26-03-2024 had recorded the compromise. In the compromise the petitioner has agreed to take care of the petitioner's mother. Consequently, the litigations were withdrawn. However, there is no express terms to cancel the unilaterally cancellation of the settlement deed. Hence, the present writ petition is filed.

3. On perusal of the compromise memo, it is seen that the petitioner, being the son, has undertook to take care of the mother and has given shelter to his mother in his residence. Now, the petitioner and his mother are living happily and there is no dispute between them. The relevant portion of the compromise memo is extracted hereunder:

"While the pending writ petition, both the parties had agreed together to forgo and forget their earlier heated discussions. Now, both the parties had given word of honor that they would give up all their egos together with great undertakings without giving any room to any sort of ego/misunderstanding. From the outcome of mutual understanding, from



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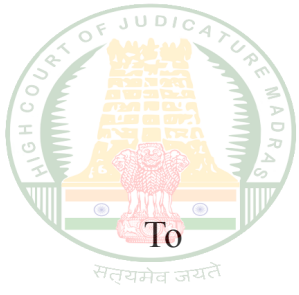
2023 we both the 1st party and the 2nd & 3rd parties are living together at 1st party residence happily. The 1st party hereby undertakes the he shall provide food, shelter; hospitality and all other needs to 2nd & 3rd parties as dutiful son. In turn out of love and affection towards their son, both 2nd & 3rd party intend to withdrew the complaint given before the Maintenance Tribunal Revenue Divisional Officer, Devakottai and also they agreed to drop all further consequential proceedings arise thereof against 1st part in lieu of their complaint."

4. There is a clear understanding between the petitioner and the petitioner's mother that the cancellation of settlement is not necessary. Hence based on the compromise between the petitioner and the mother it is necessary to remove the entry. Further as per Hon'ble Full Bench judgment unilateral cancellation is illegal. Therefore, the respondent is directed to delete the entry so that the encumbrance certificate is not reflecting the cancellation of settlement deed. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

02.07.2025

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



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To
The Sub-Registrar,
Karaikudi Joint - I,
Karaikudi,
Sivagangai District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17932 of 2025**

DATED : 02.07.2025