

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.15798 of 2015

and

M.P.No.1 of 2015

J.Thangam

... Petitioner

- Vs -

1. The Sub Registrar
Konnur, Chennai-600 049

2. A.Muthu

3. Additional Inspector General (North Chennai)/
District Registrar (I/C)
Registration Department
Chennai-600 001

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the unilaterally executed cancellation deed dated 23/09/2014 registered as DOC No.4809/2014 on the file of the first respondent and the consequent dismissal of the appeal in respect of the order dated 21/05/2015 in letter No.460/B1/2015 on the file of third respondent and quash the same as unsustainable against the law and consequently direct the respondents 1 and 3 to remove the unilateral cancellation of Settlement Deed executed by the second respondent in Doc No.4809 of 2014 in the encumbrance certificate of property in Survey No.1/1 part of Nolambur Village, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.K.N.Nataraj

For Respondents : Mr.R.Govindasamy (R1 and R3)
Additional Government Pleader
No appearance (R2)

ORDER

Heard both sides, sans Respondent No.2.

2. The second respondent earlier executed a deed of settlement in Document No.2348/2014 dated 20.05.2014. The said settlement deed was unilaterally revoked by a deed of Revocation dated 23.09.2014.

2. The petitioner approached the third respondent by way of appeal dated 20.01.2015 seeking cancellation of the document on the ground that title having been passed in her favour, without hearing her, the same ought not to have been revoked. The third respondent passed impugned order dated 21.05.2015, dismissing the appeal filed by the petitioner. Challenging the same the present writ petition is filed.

3. Despite the notice having been served on the second respondent and the name printed in the cause list, there is no representation on behalf of the second respondent.

4. The learned counsel for the petitioner has made reliance upon the order passed by the Madurai Bench of this Court in W.P.(MD) No.121 of 2003 dated 04.07.2014. It is further submitted that the said decision has also been followed in subsequent judgment.

5. Admittedly the petitioner has not been heard. The cancellation is unilateral. Once the title having been passed, the second respondent cannot execute other documents for the very same property. Hence, following the order passed by the Madurai Bench of this Court, stated supra, the revocation (*) deed dated 23.09.2014 and the impugned order passed by the (*) third respondent dated 21.05.2015 stand quashed.

6. This Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

(Sd)

Assistant Registrar (J)

Dt: 21.8.2015

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(*) 5th Paragraph corrected
as per order of court
dated 18.9.2015.

s/d-
Assistant Registrar (CS-III)
Dt:21.9.2015

True Copy

Sub-Assistant Registrar

arr

To

1. The Sub Registrar]
Konnur, Chennai-600 049] To be substituted to the order
] already despatched on 15.9.2015
2. Additional Inspector General]
(North Chennai)/]
District Registrar (I/C)]
Registration Department]
Chennai-600 001]

+ 2 cc's to Mr.K.N.Nataraj, Advocate, S.R.No.40047 & 40070

+ 1 cc to the Government Pleader, S.R.No.40432

W.P.No.15798 of 2015
and
M.P.No.1 of 2015

gr(co)
prk21/9

सत्यमेव जयते

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