

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.13221 and 13222 of 2012
and
M.P.Nos.1 and 2 of 2012 in each W.P.

V.Valarmathi

... Petitioner in both
the Writ Petitions

Vs.

1. The Sub-Registrar,
Harur and Taluk,
Dharmapuri District.

... First Respondent in
W.P.13221 of 2012

1. The Sub-Registrar,
Jolar Pettai,
Thirupathur Taluk,
Vellore District.

... First respondent in
W.P.13222 of 2012

2. Thiru.C.Veerapadran

... Second respondent in both
the Writ Petitions

Writ Petition No.13221 of 2012 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the cancellation of settlement deed in Doc.No.187/2012, dated 18.01.2012 on the file of the SRO, Harur, Dharmapuri District and quash the same and consequently direct the first respondent to delete the entries that reflects the aforesaid document from the "A" Register maintained by the first respondent herein.

Writ Petition No.13222 of 2012 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the cancellation of settlement deed in Doc.No.773/2012, dated 20.03.2012 on the file of the SRO, Jolarpettai, Thirupathur Taluk, Vellore District and quash the same and consequently direct the first respondent to delete the entries that reflects the aforesaid document from the "A" Register maintained by the first respondent herein.

For Petitioner : Mr.G.Elanchezhiyan
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate for R-1
Mr.S.Paul Gnanamuthu for R-2

ORDER

The issue involved in these Writ Petitions with regard to the unilateral cancellation of settlement deed, had been exhaustively dealt with by this Court in W.P.No.7725 of 2015, by order dated 31.07.2017 and this Court held that the unilateral cancellation of settlement deed is illegal. Moreover, the Supreme Court in the decision reported in 2017 (1) CTC 414 (SC) (Satya Pal Anand Vs. State of M.P. and others) held that the Inspector General of Registration has no power to cancel the registration of any document which has already been registered and the role of Registrar stands discharged after registration of document. In view of the above dictum, the unilateral cancellation of the settlement deeds made by the first respondent herein, is held to be bad, and this Court declares that the said cancellation of settlement deeds, is illegal and in view of the same, the first respondent herein is directed to remove the corresponding entries in the Register concerned, and the subsequent transaction, if any made pursuant to the unilateral cancellation of settlement deeds, is also held to be null and void. All the entries have got to be removed and this has got to be done within one month from the date of receipt of a copy of this order. This Court makes it clear that this order will not prevent the second respondent from approaching the Civil Court and establish his right over the properties in question and if done, the Civil Court shall decide the matter without being influenced by the merits of the matter. As this Court has held that the cancellation of settlement deeds, is illegal and without jurisdiction, and the same was declared as null and void, if any suit is filed, the same has got to be decided by the Civil Court in accordance with law, including the issue of limitation. If the second respondent goes before appropriate forum with regard to the cancellation of settlement deeds, which is the subject matter of these Writ Petitions, this Court expects the said civil forum to decide the matter as expeditiously as possible, from the date of initiation of such suit, and the matter shall not be adjourned beyond seven working days at any point of time. The petitioner shall co-operate in the trial, if any such suit is filed. With the above observations and directions, the Writ Petitions are allowed. No costs. The Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cs

To

1. The Sub-Registrar,
Harur and Taluk,
Dharmapuri District.
2. The Sub-Registrar,
Jolar Pettai,
Thirupathur Taluk,
Vellore District.

+2cc's to Mr.G.Elanchezhiyan, Advocate, S.R.No.69157
+1cc to the Government Pleader, S.R.No.69902

W.P.Nos.13221 and 13222 of 2012

MN (CO)
CA(24/10/2017)



WEB COPY