



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.9442 of 2018

1.P.Baktha Gowri
2.P.Allirani

... Petitioner

Vs

1.The District Registrar,
Office of District Registrar
(Department of Registration)
Dindigul District.

2.The Sub Registrar,
Kodaikannal,
Dindigul District.

3.A.P.Shanmugasundaram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to declare the deed of cancellation executed by the third respondent on 23.05.2014 and registered as documents No.878 of 2014 on the file of the second respondent as null and void and not binding upon the petitioners.

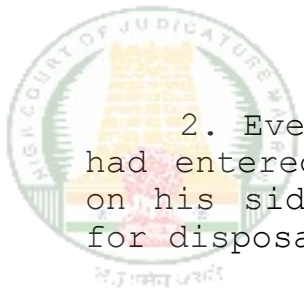
For Petitioner : Mr.P.Ganapathi Subramanian

For R1 & R2 : Mr.Murugan
Government Advocate

For R3 : No appearance

ORDER

The writ petitioners are the sisters of the third respondent. There was a partition in the family on 19.02.1979 among the brothers leaving out the sisters. On 22.02.1979 the third respondent executed a settlement deed in favour of the writ petitioners and two other sisters settling 48 cents of housing plot. This document came to be acted upon also. It is stated that the second petitioner herein had put up a house on the gifted property. While so, on 23.05.2014 the third respondent unilaterally cancelled the settlement executed by him on 22.02.1979. This unilateral cancellation is put to challenge in this writ petition.



2. Even though the third respondent was served on notice and he had entered appearance through counsel, there is no representation on his side today (ie., 04.04.2019), when the matter was taken up for disposal.

3. The issue on hand is no longer *res-integra*. By a Full Bench decision reported in **(2011) 2 MLJ 569 (Latif Estate Line India Limited Vs. Hadeeja Ammal)**, it was held that such unilateral revocation is not permissible in law and the said decision was followed in several subsequent decisions. The learned counsel for the petitioner has enclosed some of them in the typed set of papers. They are the decisions reported in **(2012) 5 MLJ 169 (D.Mohan and another Vs Sub Registrar(District Registrar Cadre), Registration Department, Chennai 600 004 and others)** and **2014 (1) CWC 814 (D.V.Loganathan Vs. The Sub Registrar, Office of the Sub Registrar, Pallavaram, Chennai)**.

4. In all these decisions, the unilateral cancellation of the registered settlement deed has been quashed. In this case also, the document executed in favour of the writ petitioners on 22.02.1979 is an irrevocable settlement deed. Therefore, respectfully following the aforesaid decisions, the impugned registration is quashed.

5. The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Registrar,
Office of District Registrar
(Department of Registration)
Dindigul District.

2.The Sub Registrar,
Kodaikannal,
Dindigul District.

+2 CC to M/s.M.KANNAN, Advocate in SR-59189,59360
+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate in SR-59453
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.59557

W.P. (MD)No.9442 of 2018

rmk

PK/02.05.2019 : 2P/7C