



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 17818 of 2015

and

W.M.P. (MD) Nos. 1 and 2 of 2015

A.S. Malesh Kanna

... Petitioner

Vs.1. The Sub Registrar,
Sattur, Virudhunagar District.

2. A. Rajendran

3. R. Kasi Latha (died)

4. G. Lavanya

5. R. Dharshana

(R4 and R5 are legal heirs of the deceased
third respondent vide Court order dated 23.08.2018
in W.M.P. (MD) No. 17398 of 2017)

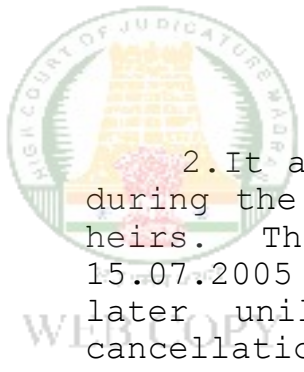
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records from the office of the first respondent relating to the registration of the impugned cancellation deed in Doc.No.5517/2014, dated 14.08.2014 thereby cancelling the Gift Deed executed in Document No.3429/2005, dated 15.07.2005 in favour of the petitioner and also the registration of the consequential/subsequent deed of settlement dated 14.08.2015 in Doc.No.5709/2015 executed by the second respondent in favour of the third respondent on the file of the first respondent and quash the same.

For Petitioner	: Mr.N.Dilip Kumar
For R1	: Mr.M.Murugan
	Government Advocate
For R2 to R5	: No appearance

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the first respondent. The private parties have been served and their names are printed in the cause list. But they have not chosen to enter appearance either in person or through counsel.



2.It appears that R.Kasi Latha/third respondent has passed away during the pendency of the proceedings and R4 and R5 are the legal heirs. The second respondent herein executed a settlement deed on 15.07.2005 in favour of the writ petitioner. The said gift deed was later unilaterally cancelled on 14.08.2014. This unilateral cancellation is under challenge in this writ petition.

3.The learned counsel appearing for the writ petitioner placing reliance on the Hon'ble Full bench decision of this Court in **Harif Estate Line India Ltd Vs.Hadeeja Ammal** reported in **2011 (2) CTC 1** contended that such unilateral cancellation cannot be registered.

4.The case on hand is squarely covered by the aforesaid decision. Therefore, the impugned registration will have to be set aside. The registration of the cancellation deed dated 14.08.2014 executed by the second respondent A.Rajendran in favour of his wife R.Kasi Latha is quashed. The writ petition is partly allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Sub Registrar,
Sattur, Virudhunagar District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-51486[F] dated 04/03/2019)
+1 CC to M/s.SPL GP (SR-51800[F] dated 05/03/2019)

RMI

TE : 13/03/2019 : 2P/4C

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