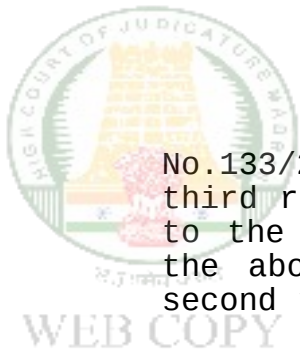




No.133/2015 made in favour of the respondents 4 to 6 by the third respondent and quash the same with consequential direction to the second respondent to delete the entries with regard to the above said deeds from the "A" Register maintained by the second respondent.

2. The case of the petitioners is that, these petitioners are the daughters of the third respondent. The third respondent had acquired the property through a sale deed dated 07.04.1958 bearing Document No.3980 and had enjoyed the property. During the life time, due to love and affection, the third respondent wanted to settle the property to and in favour of the petitioners, who are none other than the daughters of the third respondent.

3. Accordingly, the third respondent executed a settlement deed on 10.09.2014 in respect of the property concerned to and in favour of the petitioners, which was registered as Document No.5962 of 2014 on the file of the second respondent Registrar Office.

4. Subsequently, when the petitioners wanted to promote their property, when they visited the Registering authorities to get an encumbrance certificate and on receipt of the same, according to the petitioners, they were shocked to know that, the settlement deed made by the third respondent in favour of the petitioners dated 10.09.2014 had been unilaterally cancelled by cancellation of settlement deed dated 13.01.2015 bearing registered Document No.131/2015 on the file of the second respondent.

5. It also come to the knowledge of the petitioner that, on the same day i.e., on 13.01.2015, in turn, the property in question had been resettled in favour of the respondents 4 to 6 by the third respondent that also reflected in the encumbrance certificate. Only at this context, the petitioners had approached this Court by filing the present writ petition with the aforesaid prayer, challenging the unilateral cancellation made by the third respondent of the settlement deed already made in favour of the petitioners.

6. Heard Mr.P.Haribabu, learned counsel appearing for the petitioners who would submit that, as per the settled legal proposition, the settlement if at all anything made due to love and affection cannot be unilaterally cancelled without the knowledge and concurrence of the Settlee, this has been reiterated in number of judgments by this Court. Therefore, the unilateral cancellation made against the settlement deed made in favour of the petitioners by the third respondent is unlawful. Therefore, the said document shall be declared to be void and consequently, a direction can be given to the Registering



authority to register the same in Index No.2 by annulling the document of cancellation of document, he contended.

7. I have heard Ms.Akila Rajendran, learned Government Counsel appearing for the official respondents who would submit that, insofar as the registration of document is concerned, since it has been presented to the Registering authority with required stamp duty and the person, who cancelled the settlement deed, was the original owner of the property who made the settlement earlier in favour of the petitioners, probably, the second respondent Registering authority, having receipt of the document, had entertained and registered the same. Therefore, if at all the said registration had been made that is the unilateral cancellation of the settlement deed, then it would run contra to the law declared by this Court in the Full Bench Judgment reported in Latif Estate Line India case and the other cases on this line. Therefore, a suitable orders, in this regard, can be passed by this Court, she contended.

8. Though notice had been served on the private respondents, their names and full address have also been printed or shown in the cause list, none of the private respondents appeared before this Court.

9. I have considered said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

10. As has been rightly pointed out by the learned counsel appearing for the petitioners, as endorsed by the learned Government Counsel appearing for the official respondents, no unilateral cancellation of settlement is permitted under law. This has been decided by an authoritative pronouncement of the Full Bench of this Court reported in 2011 (2) CTC 1 in the matter of Latif Estate Line India Limited Vs. Hadeeja Ammal and in another case reported in 2014 (3) CTC 113 in the matter of D.V.Loganathan V. The Sub-Registrar, Office of the Sub-Registrar, Pallavaram, Chennai - 600 044 and another. In view of the settled legal position, the unilateral cancellation made by the third respondent against the settlement deed already made in favour of the petitioners, who are none other than the daughters of the third respondent is unlawful, therefore, this Court has no hesitation to hold that, the said cancellation deed dated 13.01.2015 executed by the third respondent and registered at the second respondent office is to be declared as a void one and accordingly, the second respondent registrar office shall enter the same in Index No.2 annulling the document of cancellation of deed dated 13.01.2015, cancelling the earlier settlement deed dated 10.09.2014 made by the third respondent in favour of the petitioners.



11. Though it was claimed by the learned counsel for the petitioners that, the consequential settlement deed dated 13.01.2015 made by the third respondent in respect of the respondents 4 to 6 also is equally void and unlawful, that kind of declaration that the petitioners can get it by approaching the competent Civil Court and insofar as the said prayer is concerned, the petitioners are relegated to approach the competent Civil Court. However, it is made clear that, since the settlement made already in favour of the petitioners dated 10.09.2014 now can be restored, in view of the declaration of voidness of the cancellation of settlement deed dated 13.01.2015, the settlement deed dated 10.09.2014 made by the third respondent in favour of the petitioners shall get restored and accordingly, the necessary endorsement shall be made by the second respondent Registering authority in Book No.2 at the second respondent office and the same can be reflected in the encumbrance certificate to be issued in future. The needful as indicated above shall be undertaken by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

12. With these directions, this Writ Petition is ordered accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

Sgl

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2. Joint Sub Registrar No.2,
Kanchipuram.

+1CC to M/s.P.Haribabu, Advocate, SR.No. 36834
+1CC to The Government Pleader, SR.No. 36954

W.P.No.10242 of 2015

(CO)
B.VC (28/09/2021)