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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16717 of 2015
and
M.P.Nos.1 and 2 of 2015

Mr.T.Umapathy

... Petitioner

Vs.

1. The Sub-Registrar,
Office of Arani Sub-Registrar,
No.3, S.P.Kovil Street,
Arani, Chennai-601 101.

2. Smt.Pankajam
(R1 address amended as per order
dated 24.08.2015 by MMSJ
in M.P.No.3 of 2015
in W.P.No.16717 of 2015)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Deed of Cancellation of Settlement dated 13.05.2015 unilaterally executed by the 2nd respondent registered as document No.2803 of 2015 on the file of the 1st respondent and quash the same and consequently, direct the 1st respondent to remove/delete the entry of the said cancellation of settlement deed in the encumbrance certificate.

For Petitioner : Mr.N.Sreenivasalu
For 1st Respondent: Mr.Gokul Krishnan
Government Advocate

For 2nd respondent Mr.K.Boopalan

O R D E R

The writ petitions filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Deed of Cancellation of Settlement dated 13.05.2015 unilaterally executed by the 2nd respondent registered as document No.2803 of 2015 on the file of the 1st respondent and quash the same and



2. The case of the petitioner is that the property owned by the 2nd respondent, who is none other than the mother of the petitioner herein. She executed the settlement deed in favour of the petitioner in respect of the property comprised in S.No.439/2 ad-measuring acre 3.40 cents and the property comprised in S.No.442/2 to an extent of acre 0.57 ½ cents out of acre 2.35 cents situated at Kannigaipur Village by way of unconditional, irrevocable and absolute settlement deed dated 23.01.2014 registered as Doc.No.334 of 2014 in the office of the 1st respondent.

4. However, the first respondent has no power or authority to cancel the settlement deed unilaterally without the knowledge of the petitioner and without notice to the petitioner herein. The issues involved in the writ petition has already been settled by the Hon'ble Full Bench of this Court in the case of Latif Estate Line India Ltd Vs. Hadeeja Ammal reported in 2011 (2) CTC 1, which was subsequently followed by the Division Bench of this Court in W.A.No.108 of 2020 dated 24.01.2020, wherein, it is held as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



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6. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ssn

To

The Sub-Registrar,
Office of Arani Sub-Registrar,
No.3, S.P.Kovil Street,
Arani, Chennai-601 101.

+1cc to Mr.J.R.K.Bhavanantham, Advocate, S.R.No.53964

W.P.No.16717 of 2015
and
M.P.Nos.1 and 2 of 2015

GJ(CO)
CB(10/11/2021)