



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.35088 OF 2016

AND

W.M.P.NO.30240 OF 2016

P.R.Natarajan

...Petitioner

Vs.

1.The Sub-Registrar Joint No-II,
Tiruppur North,
Tiruppur District.

2.Renga Naicker @ Rangasamy

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to registration of the cancellation of settlement deeds dated 15.04.2016 registered as Doc.No.2155/2016 and Doc.No.2156/2016 executed by the 2nd respondent and quash the same as illegal and unlawful and consequently direct the 1st respondent to annul the registration of the settlement deeds dated 15.04.2016 registered as Doc.No.2155 of 2016 and Doc.No.2156 of 2016 on the file of the 1st respondent executed by 2nd respondent and delete the entries with regard to the above said deed from the 'A' Register maintained by the 1st respondent.

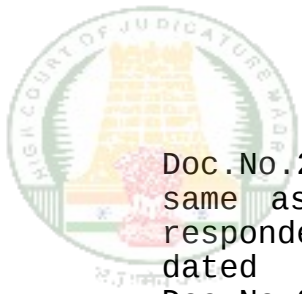
For Petitioner : Mr.C.Anbarasu

For 1st Respondent : Mr.Gokul Krishnan
Government Advocate

For 2nd Respondent : Mr.Krishna Kumar
for M/s.Sarvabhauman Associates

O R D E R

The writ petitions filed to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to registration of the cancellation of settlement deeds dated 15.04.2016 registered as Doc.No.2155/2016 and



Doc.No.2156/2016 executed by the 2nd respondent and quash the same as illegal and unlawful and consequently direct the 1st respondent to annul the registration of the settlement deeds dated 15.04.2016 registered as Doc.No.2155 of 2016 and Doc.No.2156 of 2016 on the file of the 1st respondent executed by 2nd respondent and delete the entries with regard to the above said deed from the 'A' Register maintained by the 1st respondent.

2. The case of the petitioner is that the 2nd respondent owned the property comprised in S.F.No.141/1, admeasuring to an extent of 1.29 acres from the year 1977. Subsequently the 2nd respondent executed the settlement deed in favour of the brothers of the petitioner vide Doc.No.2113/1996 dated 26.08.1996 on the file of the 1st respondent to the extent of 50 cents. Likewise, the petitioner's father executed a settlement deed in Doc.No.4903/2006 dated 09.11.2006 on the file of the 1st respondent to an extent of 10.5 cents and further executed another settlement deed in Doc.No.3804/2014 dated 07.08.2014 on the file of the 1st respondent to an extent of 35 cents. As per the aforesaid settlement deeds executed in favour of the petitioner, his father handed over the possession of the property forthwith and he never retained any life interest over the said property and the original settlement deeds were handed over to the petitioner and the same has been acted upon and the petitioner is in possession and enjoyment of said property.

3. Thereafter, there was some misunderstanding between the petitioner and his brothers. Therefore, the brothers out of coercion and undue influence, the 2nd respondent has unilaterally without any notice and without knowledge of the petitioner cancelled the aforesaid settlement deeds vide Doc.Nos.4903/2006 and 3804/2014 by way of a registered cancellation of settlement deeds dated 15.04.2016 registered as Doc.No.2155/2016 and Doc.No.2156/2016, on the file of the 1st respondent. Now, this is under challenge in the present writ petition.

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 WA.No.108 of 2020 dated 24.01.2020, wherein it is held as follows:

5. We have considered the submissions raised and we find that the Full Bench has dealt with the aforesaid issues in detail holding that the writ petition would be maintainable, and on merits also held that a deed of cancellation of a sale



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unilaterally executed by the transferor does not create, assign, limit or extinguish any right, title or interest in the property and is of no effect. The sum and substance, therefore, is that the writ petition filed by the respondents could be entertained, and in our opinion has been rightly allowed, following the dictum of the Full Bench in the case of *Latif Estate Line India Ltd vs Hadeeja Ammal* reported in 2011 (2) CTC 1 cited supra.

6. Learned counsel for the appellants then contends that the issuance of a Writ by this Court should not amount to extinguishing of any of the claims that the appellants can set up, questioning the very execution of the settlement deed dated 25.02.2008.

7. It is the submission of the learned counsel for the W.A.No.108 of 2020 appellants that the appellants' right to a settlement deed dated 25.02.2008 cannot be usurped by any legal provision and more so, the writ petition could not have been entertained after such a long passage of time.

8. We may clarify that an otherwise void document, as held by the Full Bench, cannot rejuvenate or survive any lapse of time and would not improve the situation any further, in as much as the document is non-est in the eyes of law. The order of the learned Single Judge dated 10.08.2018 is simply a declaration to that effect, taking into account the law propounded by the Full Bench, which in no way defeats the rights of the appellants to contest the original settlement deed dated 25.02.2008. We say this for the reason that the learned counsel for the appellants is right in his submission that the declaration granted by the High Court cannot extinguish the rights of the appellants to contest their position before the appropriate forum and even otherwise, the appellants must have been under the belief that the cancellation deed had fulfilled the said purpose. This may also be coupled with the issue of limitation, if any action is proposed by the appellants and we therefore, make it clear that from that point of view, W.A.No.108 of 2020 the filing of the writ petition and the grant of declaration on 10.08.2018 shall not be a disadvantage in that regard.

5. In view of the settled law, this Court has no hesitation to allow the writ petition and the registration of cancellation of settlement deeds dated 15.04.2016 registered as Doc.No.2155/2016 and Doc.No.2156/2016, on the file of the 1st



respondent are hereby quashed. It is also made clear that the cancellation of the said registration will not be a bar for the 2nd respondent herein to agitate his right before the competent civil court challenging the settlement deeds which were originally executed by him in favour of the petitioner in the manner known to law.

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

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

ssn

To

The Sub-Registrar Joint No-II,
Tiruppur North,
Tiruppur District.

+1cc to M/s.Sarvabhauman Associates, Advocate SR.No.53461

+1cc to M/s.Dass&Viswa Associates, Advocate SR.No.53616(15/11/21)

W.P.No.35088 of 2016
and
W.M.P.No.30240 of 2016

PCH(CO)
RVM(10/11/2021)