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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.6092 OF 2014

1. S.Badhusha

2. S.Jahangir

3. S.Gulabjan

4. S.Abdulla

... Petitioners

.Vs.

1. The Inspector General of Registration,
Shanthome Road,
Mylapore,
Chennai - 600 004

2. The Sub Registrar,
Manavala Nagar,
Thiruvallur

3. Shakela Bee

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the cancellation deed registered by the second respondent in document No.359 of 2012 dated 30.12.2011 as illegal, void and against the provisions of Registration Act.

For Petitioners : Mr.K.P.Kesavan

For R1 & 2 : Mr.M.R.Gokul Krishnan
Government Advocate

For R3 : No appearance



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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.

4. In view of the settled law, this Court has no hesitation to allow the writ petition. Accordingly, this writ petition is allowed and the registration of cancellation of settlement deed in doc.No.359 of 2012 dated 30.12.2011 is hereby quashed. It is



also made clear that the cancellation of the said registration will not be a bar for the third respondent herein to agitate her right before the competent civil court challenging the settlement deed which was originally executed by the third respondent in favour of the petitioners. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Shanthome Road,
Mylapore,
Chennai - 600 004.
2. The Sub Registrar,
Manavala Nagar,
Thiruvallur.

W.P.NO.6092 OF 2014

PMK (CO)
PBS/30/11/2021