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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.07.2021
CORAM :
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P.(MD).No.10696 of 2021

Shahul Hammed ... Petitioner

Vs.

1. The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai-600 028.

2.The District Registrar,
District Registrar Office,
Registration Department,
Tenkasi District.

3.The Sub Registrar,
Kadayanallur Registration Office,
Kadayanallur,
Tenkasi District.

4.Abdul Jabar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the impugned deed of cancellation of settlement registered by the 3rd respondent vide document No.1701/2010 dated 18.05.2010 in respect of property in Survey number 285 of Kadayanallur Municipality as null and void and consequently direct the 3rd respondent to declare all the entries in Encumbrance Certificate made in pursuance to cancellation deed dated 18.05.2010.

For Petitioner : Mr.S.Vishnuvardhan
For Respondents 1 to 3 : Mr.M.Lingadurai
Government Advocate
For Respondent No.4 : Mr.C.Laxmanan

ORDER

This writ petition has been filed challenging the registration of the unilateral cancellation made by the third respondent by cancelling the settlement deed executed in favour of the petitioner on 18.12.2009.

2. Heard Mr.S.Vishnuvardhan, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing

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for the respondents 1 to 3 and Mr.C.Laxmanan, learned counsel appearing for the fourth respondent.

3. The fourth respondent is the father of the petitioner. He executed a settlement deed in favour of the petitioner on 18.12.2009 and the property was absolutely settled in favour of the petitioner. Subsequently the fourth respondent unilaterally cancelled the settlement deed through a cancellation deed dated 18.05.2010. This document was registered on the file of the third respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner and the fourth respondent submitted that the fourth respondent is now being taken care by the petitioner and both of them are living under the same roof for the last four years. The learned counsel appearing on behalf of the fourth respondent therefore submitted that the original settlement deed that was executed in favour of the petitioner can be sustained.

5. In the considered view of this Court, the settlement deed executed in favour of the petitioner cannot be unilaterally cancelled and the third respondent ought not to have registered the cancellation document. The law on this issue has been settled by the full Bench of this Court in ***Latif Estate v. Hadeeja Ammal and others*** reported in **2011 (2) CTC 1.**

6. In view of the above fact, the registration of the cancellation deed by the third respondent in Doc.No.1701/2010 dated 18.05.2010 is hereby set aside and in view of the specific stand taken by the fourth respondent, original settlement deed dated 18.12.2009 pertaining to the property situated in S.No.285, is hereby sustained. The petitioner is directed to present this order for registration before the third respondent so that the order gets reflected in the Encumbrance Certificate and it nullifies/reverses the earlier entry that was made at the time of registering the cancellation deed on 18.05.2010.

7. This writ petition is allowed with the above direction. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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NOTE:
In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration,
Inspector General of Registration Office,
Santhome High Road,
Chennai-600 028.

2.The District Registrar,
District Registrar Office,
Registration Department,
Tenkasi District.

3.The Sub Registrar,
Kadayanallur Registration Office,
Kadayanallur,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-22533[F] dated 14/07/2021)

+1 CC to M/s.S.VISHNU VARDHAN, Advocate (SR-22580[F] dated 14/07/2021)

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CM(CO)
LR (26.07.2021) 3P 6C

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