



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.8072 of 2016

and

W.M.P. (MD)No.6594 of 2016

WEB COPY

Minor A.V.Gopinath
represented by his Mother, A,Velliammal @ Selvi ... Petitioner

vs.

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Pattinampakkam, Chennai - 600 028.
- 2.The District Registrar (Administration),
Karaikudi, Sivagangai District.
- 3.The Sub Registrar,
Ponnamaravathy, Pudukottai District.

4.A.Azhagesan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to strike off the registration of document bearing No.734/2014, dated 14.03.2014 on the file of the third respondent.

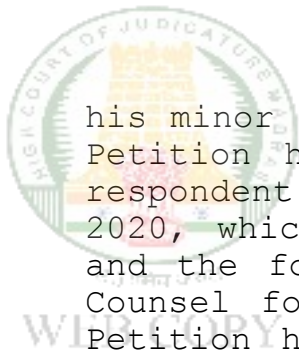
For Petitioner	:Mr.R.Subramanian
For R1 to R3	:Mr.N.Satheeshkumar
	Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents 1 to 3 to strike off the registration of document bearing No.734/2014, dated 14.03.2014 on the file of the third respondent.

2.Heard Mr.R.Subramanian, learned Counsel for the petitioner and Mr.N.Satheeshkumar, learned Additional Government Pleader appearing for the respondents 1 to 3.

3.The fourth respondent, Mr.A.Azhagesan, is probably of the opinion that he can exercise his brain to an extent that he can return back a lawful notice sent from the High Court with an endorsement "person not found". The said endorsement is obviously false to the knowledge of the fourth respondent, primarily because,



his minor own son is the Writ Petitioner and the fact that the Writ Petition had been filed is also to the knowledge of the fourth respondent in view of the proceedings in CrI.O.P.(MD)No.15883 of 2020, which was pending between the mother of the Writ Petitioner and the fourth respondent, in which I am informed by the learned Counsel for the petitioner that the pendency of the present Writ Petition had been stated. It is, therefore, obvious and evident that the fourth respondent wants to avoid participating in the present judicial proceedings. I am conscious that the choice is entirely with the fourth respondent to either participate or not, or to take a decision even to abstain from the proceedings. Whatever the decision he takes, in view of the facts involved in this case, that will not keep the Writ Petition pending any further on the file of this Court.

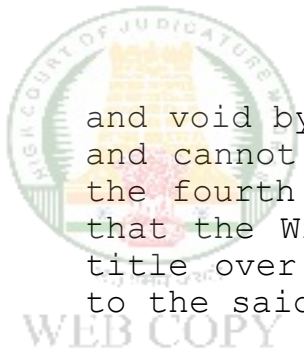
4.The fourth respondent had executed a settlement deed in favour of the petitioner, who is a young minor aged 11 years on 07.08.2012 and the said document had also been registered as Doc.No.1834/2012 in the office of the third respondent/Sub Registrar, Ponnamaravathy, Pudukottai. With that, the fourth respondent had consciously divested all his rights, title and interest over the property, which was found in the schedule to the settlement deed.

5.Thereafter, the fourth respondent appears to have presented a deed of cancellation unilaterally on 14.03.2014, which document had also been registered by the very same Sub Registrar/third respondent. The said registration is illegal and the execution of the document is non est in law. The document does not given back any right or title of the property to the fourth respondent.

6.It is well settled that once a settlement deed is executed, it cannot be unilaterally cancelled. A Court of law alone can interfere by a specific order with such execution of settlement deed and direct cancellation. Therefore, the document, which had been registered, namely, the cancellation of settlement deed, is null and void and certainly is not binding on the petitioner herein.

7.I wonder how the third respondent brought himself to register the said document. I am confident that the learned Additional Government Pleader, owing to the illegality of said registration, would recommend to the revenue officials to re-examine the said registration of cancellation of settlement deed and if at all an enquiry is necessary, initiate appropriate action as against the particular Sub Registrar, who actually registered the cancellation deed, as Doc.No.734/2014.

8.Quite apart from that, an obligation is now placed on the third respondent to make necessary entry in the particular book maintained in the Sub Registrar Officer that the said document, is null and void and has been declared as null



and void by this order of Court and that it should not be acted upon and cannot be acted upon and that no right had been vested over to the fourth respondent by executing such document and further affirm that the Writ Petitioner herein/settlee in Doc.No.1834/2012 retains title over the said property, which had been given in the schedule to the said settlement deed.

9.With the said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Inspector General of Registration,
No.100, Santhom High Road,
Pattinampakkam, Chennai - 600 028.

2.The District Registrar (Administration),
Karaikudi, Sivagangai District.

3.The Sub Registrar,
Ponnamaravathy, Pudukottai District.

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-35834[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-36064[F] dated 26/11/2021)

Order made in
W.P. (MD)No.8072 of 2016
24.11.2021

PS (CO)

GC (07.12.2021) 3P 6C