



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14980 of 2016
and
W.M.P.Nos.13072 & 13073 of 2016

E.Sathyapriya

.. Petitioner

- vs -

1.The Sub-Registrar,
Office of Thondamuthur Sub-Registrar,
Thondamuthur,
Coimbatore District.

2.Chellammal

3.A.Ravichandran

4.A.Sundarrasu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the impugned deed of cancellation of Settlement Deed in Doc.No.5739/2015 dated 24.07.2015 executed by the 2nd respondent and presented to and registered with the 1st respondent and the settlement deeds executed by the 2nd respondent in favour of 3rd and 4th respondents in Doc.No.6147/2015 and Doc.No.6148/2015 respectively, dated 14.08.2015 presented to and registered with the 1st respondent and quash the same.

For Petitioner : Mr.P.S.Kothandaraman

For Respondent-1 : Mr. Yogesh Kannadasan,
Special Government Pleader

For Respondents 2 to 4 : Mr.A.E.Ravichandran



ORDER

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2. When the matter is taken up for hearing, learned Special Government Pleader appearing for the first respondent submitted that the issue raised in this writ petition is already covered by the order passed by this Court in W.P. Nos.33892/2012, etc., Batch, vide order dated 06.04.2022, in and by which this Court had dismissed all the writ petitions therein and, therefore, similar orders may be passed in the present petition as well.

3. This Court, vide order dated 06.04.2022 in W.P. No.33892/2012, etc., Batch, while considering an identical issue, held as under :-

"64. Upon careful perusal of the decisions of the Hon'ble Apex Court and the Full Bench, which have been relied upon by the learned counsel in support of their respective submissions, this Court is of the considered view that held that though both the decision in Satya Pal's case and Latif's case (supra) relate to unilateral cancellation of a sale deed, however, the issue covered in the present batch of petitions relate to unilateral cancellation of settlement deed. Further, the decision in Satya Pal's case (supra) spells out the correct ratio in which the relevant provisions of the Act has to be interpreted and, in fact, to a limited extent the decision of the Full Bench also tags with the decision in Satya Pal's case (supra) and upon such interpretation on the basis of the ratio laid down in Satya Pal's case (supra), this Court answers the questions formulated in the following manner :-

Question Nos.1 & 2 :

i) Whether the Registering Authority can desist from registering a cancellation deed submitted before him by the settlor alone for



Answer :

Question Nos.3 & 4 :

iv) What is the remedy available to the parties in the event of registration of a cancellation deed unilaterally by the settlor?

Answer :

65. For the reasons aforesaid, the writ petitions filed by the petitioners praying for a direction to the registering authority/respondent herein to cancel the unilaterally executed cancellation deeds in and by which the respective settlement deeds have been cancelled, cannot be entertained and, accordingly, the writ petitions



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are dismissed. It is further made clear that this Court has not entered into the realm of adjudicating the legality or validity of the cancellation deed, but has only decided the power of the registering authority to entertain the document for registration and its subsequent cancellation and, therefore, it is open to the petitioners to file appropriate suit before the jurisdictional civil court or to avail any other remedy available to them under law, where all the points raised herein could be canvassed by the petitioners and if such legal recourse is taken by the petitioners, the concerned court/authority shall take up the same on its own merits and adjudicate the dispute without in any way being influenced by any observation made by this Court in the decision supra. It is also made clear that the benefit of this order shall not operate with regard to matters, which have already been decided by this Court one way or the other and the doctrine of res judicata would stand attracted."

4. The present petition being on the identical issue, the order passed in the aforesaid case is squarely attracted to the present petition as well. For the reasons aforesaid, this writ petitions is dismissed. However, it is open to the petitioner to file appropriate suit before the jurisdictional civil court or to avail any other remedy available to them under law, where all the points raised herein could be canvassed by the petitioners and if such legal recourse is taken by the petitioners, the concerned court/authority shall take up the same on its own merits and adjudicate the dispute without in any way being influenced by any observation made by this Court in the decision supra. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

rsi



To

The Sub-Registrar,
Office of Thondamuthur Sub-Registrar,
Thondamuthur,
Coimbatore District.

+1cc to Mr.P.S.Kothandaraman, Advocate SR.No.33767

+1cc to Mr.A.E.Ravichandran, Advocate SR.No.33762

+1cc to Government Pleader SR.No.34506

W.P.No.14980 of 2016

AJB (CO)
GMY (04/07/2022)