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W.P.No.8225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8225 of 2022

1.G.Krishnaveni
2.K.Vijayalakshmi

... Petitioners

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The Sub Registrar,
Kavundapadi,
Erode District.

3.Kuppayammal
4.S.K.Selvaraju

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of Cancellation Settlement Deed Nos.P5/2022 and P6/2022, dated 17.03.2022 (Now document Nos.P5/1110/2022 and P6/1111/2022) on the file of the second respondent and quash the same and consequently, direct the second respondent to delete the entries that reflects in the documents maintained with the second respondent.



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For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.Yogesh Kannadasan for R1 and R2
Special Government Pleader
Mr.Abrar Mohammed Abdullah
for R3 and R4

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the records of Cancellation Settlement Deed Nos.P5/2022 and P6/2022, dated 17.03.2022 (Now document Nos.P5/1110/2022 and P6/1111/2022) on the file of the second respondent and to quash the same and to consequently, direct the second respondent to delete the entries that reflects in the documents maintained with the second respondent.

2.The case of the petitioners is that the third respondent is the mother of the petitioners and the fourth respondent is the brother of the petitioners. According to the petitioners, the third respondent executed irrevocable settlement deed in favour of the petitioners and the same was registered before the second respondent. Whiles, on 15.03.2022, the second respondent sent message regarding unilateral revocation of the settlement deed and the petitioners submitted their



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detailed representation/ objections to the Official respondents on 16.03.2022, however, the second respondent vide communication dated 17.03.2022 intimated the petitioner that the settlement deed was made under compelling circumstances and entertained the cancellation of settlement deed. Hence, this writ petition.

3.The learned counsel appearing for the petitioners submitted that the third respondent executed settlement deed in favour of the petitioners and the Circular dated 29.11.2018 issued by the first respondent mandates the presence of the petitioners and third respondent, while cancelling the settlement deed, however, contrary to the said Circular, the second respondent accepted the unilateral cancellation of settlement deed, which is non est in law.

4.The learned counsel appearing for the respondents 2 and 3 submitted that the third respondent is the mother of the petitioners and the fourth respondent. One of the petitioners husband is an practising Advocate and he intentionally took the third respondent to the Sub Registrar Office and executed settlement deed in favour of the petitioners and subsequently, the third respondent realised the mistake and cancelled the settlement deed, which warrants no



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interference.

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5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute and the relationship between the petitioners and the respondents 3 and 4 is also not in dispute. Initially, the third respondent executed settlement deed in favour of the petitioners. Though the petitioners submitted their detailed representation/ objections to the Official respondents on 16.03.2022, in response to the message regarding unilateral revocation of the settlement deed received on 15.03.2022, the second respondent failed to implement the Circular dated 29.11.2018 issued by the first respondent which mandates the presence of settlor and settlee, while cancelling the settlement deed.

7.It is appropriate to extract hereunder, the relevant portion of the Circular dated 29.11.2018 issued by the first respondent / The Inspector General of Registration:

"a) Any settlement deed wherein no condition whatsoever has been imposed on the Settlee, and if an unilateral



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revocation/ cancellation of such settlement deed executed by the Settlor is presented for registration, the registering officers shall not accept such unilateral revocation/ cancellation deeds for registration and check slip shall be issued in this regard.

b) Such revocation deeds can be accepted for registration only if Settlee has joined in execution and registration of the revocation deed.

c) Any settlement deed wherein certain condition has been imposed on the Settlee, and if an unilateral revocation/ cancellation of such settlement deed is executed by the Settlor clearly stating that Settlee has not fulfilled certain conditions imposed in the settlement deed, the same can be registered after ensuring that said conditions were specifically mentioned in the said Settlement deed.”

8.In view of the above, the impugned Cancellation Settlement Deed Nos.P5/2022 and P6/2022, dated 17.03.2022 (Now document Nos.P5/1110/2022 and P6/1111/2022) on the file of the second respondent is set aside. Liberty is granted to the third respondent to



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challenge the settlement deed in the manner known to law. Since the the third respondent is the mother of the petitioners and the fourth respondent, the disputed property should not be interfered with by the petitioners and the fourth respondent till the lifetime of the third respondent.

9.This writ petition is allowed with the above observations. No costs.

21.06.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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2.The Sub Registrar,
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