



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10370 of 2022
W.M.P.No.10090 & 10091 of 2022

N.Gopalakrishnan

...Petitioner

Vs.

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

2. The District Registrar,
Chennai Central,
100/72, Chamiers Road,
Nandanam,
Chennai - 600 018.

3. The Sub-Registrar,
O/o.The Sub-Registrar Triplicane,
No.268, Bharathi Salai,
Royapettah,
Chennai - 600 014.

4. N.Sakthivel Vadivel

5. N.Muruganandam

6. N.Lakshmi

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent having impugned cancellation of settlement deed dated 28.11.2009, regsitered as Doc.No.94 of 2009 executed by the sixth respondent and to quash the impugned deed of cancellation, on the file of the second respondent, and quash the same as invalid in law.

For petitioner : Mr.B.Karthikeyan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

The present writ petition has questioned the legality of the registration of the cancellation deed executed by the private respondents in favour of the petitioner and for cancellation of the cancellation deed executed by the private respondents, which has resulted in the filing of the present petition.

2. When the matter is taken up for hearing, learned Special Government Pleader appearing for respondents 1 to 3 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 cancelling the registered Settlement Deed in the absence or consent of the settlee?

ii) Whether the Registering Authority has the power to cancel a document vide the cancellation deed, and insist the settlor and settlee to appear at the time of registration of the document, in the absence of any provision of law?



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 petitioner and if such legal recourse is taken by the petitioner, 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(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
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Nandanam, Chennai - 600 018.
3. The Sub-Registrar,
O/o.The Sub-Registrar Triplicane,
No.268, Bharathi Salai,
Royapettah, Chennai - 600 014.

+1cc to Mr.B.Karthikeyan, Advocate, S.R.No.29794

+1cc to the Government Pleader, S.R.No.30899

W.P.No.10370 of 2022
W.M.P.No.10090 & 10091 of 2022

KV(CO)
RGA(19/05/2022)