



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 11601 OF 2019

AND

W.M.P. NO. 11943 OF 2019

Sharmila

.. Petitioner

- Vs -

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

2. The Sub Registrar
Komarapalayam Sub Registrar Office
Komarapalayam
Namakkal District.

3. P.Shanmugasundaram

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of declaration to declare that the impugned deed of cancellation of settlement deed dated 28.11.2011 which was duly registered as Document No.8552 of 2011 in Book No.1 on the file of 2nd respondent herein as null and void and non-est in law.

For Petitioners : Mr. R.Marudhachalamoorthy

For Respondents : Mr. Yogesh Kannadasan,
Spl. GP for RR-1 & 2

Mr. P.M.Bakthavatchalam for R-3

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 petitioners and for cancellation of the cancellation deed executed by the 3rd respondent, 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 and 2 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?

Answer :

The registering authority has no power to desist from registering a document, once it is submitted to him along with the necessary documents, which are mandated under the Act and once the document is properly registered, the registering authority, in the absence of any



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 petition 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 her 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. Consequently, connected miscellaneous petition is also dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

GLN

To

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

2. The Sub Registrar
Komarapalayam Sub Registrar Office
Komarapalayam
Namakkal District.

+1cc to M/s.R.Marudhachalamurthy, Advocate, S.R.No.26316

+2ccs to M/s.P.M.Bakthavatasalam, Advocate, S.R.No.26248

+1cc to the Government Pleader, S.R.No.26768

W.P. NO.11601 OF 2019

VSN-II (CO)
SU(02/05/2022)