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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.22019 OF 2021

AND

W.M.P.NOS.23242 & 23244 OF 2021

N.Maheswaran

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.

2.The Sub Registrar,
Arakonam,
Tamil Nadu - 631 001.

3.N.Jeevalakshmi

4.N.Yuvaneswari

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating to unilateral cancellation of Settlement Deed in Cancellation Deed document No.2679/2015 dated 13.05.2015 on the file of the second respondent and quash the same and consequently direct the first and second respondents to remove the encumbrance entries of the unilateral cancellation of Settlement Deed in document No.3524 of 2009, dated 08.04.2009 and the subsequent execution of WILL in document No.44 of 2015, dated 13.05.2015 from the Encumbrance entries maintained in the office of the Sub-Registrar, Arakonam in connection with the land and building bearing Door No.7/5, Srinivasan Street, Stuartpet, Arakonam Town and Taluk, Vellore District, comprised in survey No.207/9, T.S.No.60, Ward "B", Block-15 measuring an extent of 1260 sq.ft. within time stipulated by this Court.

For Petitioner : Mr.V.Vargees Amal Raja

For R1 & R2 : Mr.Yogesh Kannadasan
Government Advocate



For R3

: Mr.Ajay Kumar
for Mr.T.V.Vineeth Kumar

ORDER

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This Writ Petition has been filed for issuance of writ of certiorarified mandamus, calling for the records relating to unilateral cancellation of Settlement Deed in Cancellation Deed document No.2679/2015 dated 13.05.2015 on the file of the second respondent ; quash the same and consequently direct the first and second respondents to remove the encumbrance entries of the unilateral cancellation of Settlement Deed in document No.3524 of 2009, dated 08.04.2009 and the subsequent execution of WILL in document No.44 of 2015, dated 13.05.2015 from the Encumbrance entries maintained in the office of the Sub-Registrar, Arakonam in connection with the land and building bearing Door No.7/5, Srinivasan Street, Stuartpet, Arakonam Town and Taluk, Vellore District, comprised in survey No.207/9, T.S.No.60, Ward "B", Block-15 measuring an extent of 1260 sq.ft. within time stipulated by this Court.

2. Heard, Mr.V.Vargees Amal Raja, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents 1 & 2 and Mr.Ajay Kumar, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the property, comprised in survey No.207/9, T.S.No.60, Ward "B", Block- 15, to an extent of 1260 sq.ft. bearing Door No.7/5, Srinivasan Street, Stuartpet, Arakonam Town and Taluk, Vellore District, owned by the petitioner's father S.P.Nagarajan. He settled the subject property in favour of the petitioner as irrevocable deed of Settlement dated 08.04.2009 registered vide document No.3524 of 2009 on the file of the second respondent. After execution of the Settlement Deed, the settlor expired on 05.07.2021. After his demise, the petitioner came to know that the settlement deed dated 08.04.2009 executed by his father was cancelled by way of unilateral cancellation deed of settlement dated 13.05.2015 vide document No.2679 of 2015. On the same day, the Will dated 13.05.2015 was executed by his father in favour of the petitioner and the respondents 3 and 4 herein in respect of the same property registered as document No.44 of 2015.

4. The second respondent has no power to register the unilateral cancellation of deed of settlement without any notice and without knowledge of the petitioner herein i.e., the settlee. In this regard, the learned counsel for the petitioner relied upon the judgments reported in 2014 (3) CTC 113 in the case of D.V.Loganathan Vs. The Sub Registrar, Pallavaram,



Chennai and another and 2012 (1) MLJ 216 in the case of K.A.Shanmugam and another Vs. Tamilarasi and others.

5. In the result, the writ petition stands allowed. However, the third and fourth respondents are at liberty to approach the Civil Court. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Lpp

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.

2.The Sub Registrar,
Arakonam,
Tamil Nadu - 631 001.

+4ccs to Mr.V.Vargees Amal Raja, Advocate Sr.No.3131, 2904

+1cc to M/s.T.V.Vineeth Kumar, Advocate Sr.No.3147

+1cc to the Government Pleader Sr.No.3695

W.P.No.22019 of 2021

RSI (CO)
RVM(25/02/2022)