



W.P(MD)No.15245 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15245 of 2012

and

M.P(MD)Nos.1 & 2 of 2012

V.R.Elango

... Petitioner

Vs.

1.The Sub-Registrar,
Sub-Registrar Office,
Thiruvonam,
Thanjavur District.

2.Gnansundari

... 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 first respondent relating to his registration of impugned cancellation deed in document No.331/2012, dated 18.04.2012 and quash the same.

For Petitioner : M/s.P.Ganapathi Subramanian

For R-1 : M/s.S.R.A.Ramachandran
Additional Government Pleader



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For R-2 : Mr.T.Lajapathi Roy

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ORDER

The present Writ Petition has been filed challenging the registration of unilateral cancellation of settlement deed already executed by the second respondent in favour of the writ petitioner.

2. According to the petitioner, the second respondent had executed a registered settlement deed in his favour on 15.06.2009.

3. A perusal of the said settlement deed reveals that the settlor has not reserved any powers to revoke the said document and no condition has been imposed in the said document by the settlor. However, the second respondent has chosen to cancel the said settlement deed on 17.04.2012. The said cancellation is a unilateral cancellation.

4. The learned Counsel for the second respondent submits that the second respondent has executed a settlement deed, believing the writ petitioner on the ground that he is the husband. Thereafter, after



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obtaining the benefits under the settlement deed, the petitioner had got married to another lady. Only because of the said fact, the second respondent was compelled to cancel the settlement deed executed in favour of her husband, namely, the writ petitioner herein. Hence, the second respondent requested that the matter may be referred to mediation. However, the learned Counsel for the petitioner submits that his client is not ready for any mediation.

5. In view of the judgment of the Hon'ble Full Bench of this Court in *W.P(MD)Nos.6889 of 2020 etc., batch, dated 02.09.2022, (Sasikala - vs- The Revenue Divisional Officer and others)*, the Sub-Registrar has no jurisdiction, whatsoever to entertain a unilateral cancellation of the settlement deed, especially, when there are no clauses reserving right of the settlor to revoke the document.

6. In view of the said judgment, this Writ Petition stands allowed. The first respondent is directed to delete the entry / encumbrance relating to Document No.331 of 2012, dated 18.04.2012. However, the aggrieved party can approach the competent civil Court, challenging the



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settlement deed, dated 15.06.2009, if they are so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

21.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Sub-Registrar,
Sub-Registrar Office,
Thiruvonam,
Thanjavur District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.15245 of 2012

21.09.2022