

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12767 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

S.Lingeshwari

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Veerasigamani,
Sankarankovil (Taluk),
Tirunelveli District.

2.S.Mahadevi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned cancellation of settlement deed vide Document No. 2622/12, dated 24.08.2012 and quash the same and consequently direct the first respondent to delete the entries made in the 'A' Register based on the above registered deed and restore the petitioner's name in the records based on the settlement deed executed in Document No.5297/11, dated

28.12.2011.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 : M/s.S.R.A.Ramachandran
Additional Government Pleader
For R-2 : No appearance

ORDER

The present Writ Petition has been filed seeking to quash a unilateral cancellation of a settlement deed executed in favour of the writ petitioner by her husband Sadacharam.

2. According to the petitioner, she is the second wife of Sadacharam, who had executed a registered settlement deed in her favour on 28.12.2011. A perusal of the document indicates that it is specifically recited that the settlor does not have any power to cancel the said document. However, the settlor, namely, Sadacharam has cancelled the settlement deed on 24.08.2012. The unilateral cancellation of the settlement deed has been accepted by the first respondent herein for registration and the said document was registered as Document No.2622 of 2012 on 24.08.2012.

3. In view of the judgment of the Hon'ble Full Bench of this Court in *W.P(MD)Nos.6889, 8330, 13297 of 2020, 11674 of 2015 and W.A(MD)No.800 of 2022 and C.M.P(MD)No.6797 of 2022, dated 02.09.2022*, Sub-Registrar has no jurisdiction to entertain a unilateral cancellation of the settlement deed, especially, when there is no clause for revoking the said settlement deed. Hence, the first respondent is directed to delete the entry relating to the cancellation deed, dated 24.08.2012. However, the second respondent, who is the first wife of the said Sadacharam is always entitled to approach the competent civil Court to vindicate her rights.

4. With the above said observations, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

16.09.2022

Index : Yes / No
Internet : Yes / No
btr

W.P(MD)No.12767 of 2013

R.VIJAYAKUMAR, J.

btr

To

The Sub Registrar,
Office of the Sub Registrar,
Veerasigamani,
Sankarankovil (Taluk),
Tirunelveli District.

Order made in
W.P(MD)No.12767 of 2013

16.09.2022