



W.P.(MD).No.13543 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13543 of 2014

and

M.P(MD) Nos. 1 and 2 of 2014

B.Balakrishnan
S/o. Balaguru,
No.43, Mela Ponnagaram,
4th Street, Madurai – 16
Now at Canada
Represented by his Power of Attorney
N.Kuppusamy

... Petitioner

-vs-

1. The Inspector of Registration,
Registration Department,
Santhome, Chennai.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Arasaradi, Madurai.

3. S.Balaguru (died)
4. B.Lakshmi Ammal
5. B.Ravindran
6. B.Venkateswari
7. B.Vijayalakshmi
8. B.Shanthi
9. B.Usha

.... Respondents

(R5 to R9 are substituted for the deceased
third respondent vide Court order
dated 20.12.2018 in M.P(MD) No.1 of 2015)



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records, relating to the registered impugned Revocation Deed dated 31.07.2013 vide Doc.No.2813 of 2013, on the file of the second respondent executed by respondents 3 and 4 quash the same and consequently direct the second respondent to remove the entries pursuant to the registration of impugned Revocation Deed dated 31.07.2013, vide Doc No.2813 of 2013 on the file of the second respondent.

For Petitioner	: Mr.D.Nallathambi
For R1 & R2	: Mr.S.R.A. Ramachandran Additional Government Pleader
For R3	: (died)
For R8	: Mr.N.Tamil Mani
For R5 to R7	: No appearance

ORDER

The present Writ Petition has been filed challenging the unilateral cancellation of the settlement deed executed by the third and fourth respondents in favour of the writ petitioner, on 29.10.2012.



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2. A perusal of the settlement deed discloses that no power has been reserved by the settlors for revoking the said document and no condition has been imposed in the settlement deed. However, the third and fourth respondents herein have unilaterally cancelled the document on 31.07.2013. Pending Writ Petition, the third and fourth respondents has passed away and the legal heirs have been impleaded as respondents 5 to 9.

3. The learned counsel for the eighth respondent contends that the original settlement deed in favour of the writ petitioner itself is not valid.

4. In view of the judgment of the ***Honourable Full Bench of this Court in W.P.No.6889 of 2020 etc., batch, dated 02.09.2022, (Sasikala – vs- The Revenue Divisional Officer and others)*** the Registrar has no jurisdiction, whatsoever to entertain a unilateral cancellation of the settlement deed, especially, when there is no clause reserving power to the settlor to cancel the said document.



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5. In view of the above said observation, this Writ Petition stands allowed. The second respondent is directed to delete the encumbrance relating to Document No.2813 of 2013, dated 31.07.2013. However, the respondents 5 to 9 are at liberty to approach the competent civil Court challenging the said settlement deed, dated 29.10.2012 in favour of the writ petitioner. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12 .09.2022

Index : Yes / No

Internet : Yes / No

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To

1. The Inspector of Registration,
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Santhome, Chennai.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Arasaradi, Madurai.



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R.VIJAYAKUMAR,J.

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