

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14763 of 2014

C.Komalavalli

... Petitioner

-VS-

1. The District Registrar,
District Registrar Office,
Kumbakonam,
Thanjavur District – 612 001.

2. The Joint Sub Registrar,
No.I, Kumbakonam,
Office of the District Registrar,
Kumbakonam,
Thanjavur District.

3. N.Ramuammal @ Ramamirtham

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the registered cancellation of the settlement deed dated 19.03.2014, on the file of the second respondent herein vide document No.1278 of 2014 executed by the third respondent and quash the same.

For Petitioner : Mr.S.Balaraman
For R1 & R2 : Mr.S.R.A. Ramachandran
Additional Government Pleader
For R3 : Mr.V.Achuthan

ORDER

The present Writ Petition has been filed seeking a writ of certiorari to quash the registration of cancellation of the settlement deed, dated 19.03.2014, on the file of the second respondent vide Document No.1278 of 2014, said to have been executed by the third respondent.

2. According to the petitioner, the third respondent herein viz., her mother has executed a registered settlement deed in favour of the petitioner on 04.12.2013, out of love and affection. However, for the reason best known to her, she has chosen to unilaterally cancel the settlement deed, on 19.03.2014. Hence, she has prayed for allowing the writ petition.

3. I have perused the settlement deed. There is no clause permitting the revocation of the settlement deed or any condition has been imposed in the said settlement deed.

4. In view of the above said facts, the second respondent would not have jurisdiction to entertain the document for registration under which unilaterally settlement deed is cancelled. The said issue is covered by the judgment of the ***Honourable Full Bench of this Court in W.P.Nos.6889 of 2020 etc., batch, dated 02.09.2022, (Sasikala -vs- The Revenue Divisional Officer and others).***

5. In view of the above said judgment, this Writ Petition stands allowed. The second respondent is directed to delete the encumbrance relating to Document No.1278 of 2014, dated 19.03.2014. However, the third respondent is at liberty to approach the civil Court, for cancellation of the settlement deed, if she is so advised. No costs.

12 .09.2022

Index : Yes / No
Internet : Yes / No

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To

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Thanjavur District – 612 001.
2. The Joint Sub Registrar,
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R.VIJAYAKUMAR,J.

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