

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14797 of 2014

Vasudevan

... Petitioner

-vs-

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

2. The Sub Registrar,
Office of the Sub Registrar,
Valangaiman,
Valangaiman Town,
Thiruvarur District.

3. M.Rajendran

.... 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 12.08.2013, on the file of the second respondent herein vide document No.1007 of 2013 executed by the third respondent and quash the same.

For Petitioner : Mr.S.Bala Raman
For R1 & R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : No Appearance

ORDER

The present Writ Petition has been filed challenging the registration of the unilateral cancellation of the settlement deed, dated 12.08.2013, in Document No.1007 of 2013 said to have been executed by the third respondent and registered before the second respondent.

2. According to the petitioner, the third respondent is his elder brother and out of love and affection, he has executed a registered settlement deed in his favour on 13.03.2009. However, on 12.08.2013, he has chosen to unilaterally cancel the settlement deed.

3. The learned counsel for the petitioner further submitted that in the original settlement deed, dated 13.03.2009, there is no clause for revocation and no condition has been imposed upon the writ petitioner for this settlement deed.

4. In view of the above said facts, the second respondent has no jurisdiction, whatsoever to entertain the unilateral cancellation of the settlement deed. 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 said encumbrance relating to Document No.1007 of 2013, dated 12.08.2013. However, the third respondent is at liberty to approach the competent civil Court for cancellation of the settlement deed, dated 13.03.2009, if he 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 Sub Registrar,
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R.VIJAYAKUMAR,J.

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