

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11955 of 2015

Ramu

... Petitioner

-VS-

1. The District Registrar,
Pudhukottai Registration District,
Pudhukottai District.

2. The Sub Registrar,
Sub- Registrar Office,
Ponnamaravathi,
Ponnamaravathi Taluk,
Pudhukottai District.

3. K.Pappa

4. Priya

5. Palaniappan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records pertaining to the cancellation deed dated 10.02.2015 register as document No.373 of 2015, sale deed dated 10.02.2015 registered as document No. 374 /2015 and sale deed dated 10.02.2015 registered as document No.375/2015 in the office of Sub-Registrar at Ponamaravathi, the second respondent

herein and to quash the same.

For Petitioner	: Mr.R.Rajaraman
For R1 & R2	: Mr.K.S.Selvaganesan Additional Government Pleader
For R3 & R5	: No appearance
For R4	: Mr.M.Maharaja

ORDER

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

2. According to the writ petitioner, her mother, namely the third respondent has executed a settlement deed dated 16.09.2014. There are no clauses for revocation of the said document and no condition has been imposed in the said document for cancellation of the settlement deed. However, the third respondent has chosen to cancel the said settlement deed dated 10.02.2015 which has been registered by the second respondent herein as Document No. 375 of 2015, on 10.02.2015.

3. According to the learned counsel for the fourth respondent, the original settlement deed executed in favour of the writ petitioner is not valid in the eye of law, and it has been obtained fraudulently.

4. In view of the judgment of the ***Hon'ble 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 document for registration, especially the unilateral deed of cancellation of the settlement deed.

5. In view of the above said facts, this Writ Petition stands allowed to the extent of deleting the entry relating to document No.373 of 2015, dated 10.02.2015. Other documents namely document Nos.374 of 2015 and 375/2015 should be adjudicated upon only by the competent civil Court. No costs. However, the third respondent is at liberty to challenge the settlement deed dated 16.09.2014 before civil Court, if she is so advised.

12.09.2022

Index : Yes / No
Internet : Yes / No
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To

1. The District Registrar,
Pudhukottai Registration District,
Pudhukottai District.

2. The Sub Registrar,
Sub- Registrar Office,
Ponnamaravathi,
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