



W.P(MD)No.12103 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12103 of 2015

and

M.P(MD)No.2 of 2015

1.P.Naisadh Kumar
2.P.Suresh Kumar

... Petitioners

Vs.

1.The Inspector General of Registration,
No.120, Santhome High Road,
Pattinapakkam, Chennai-600 028.

2.The Joint Sub Registrar,
Joint I Sub Registrar's Office,
Integrated Registrar's Office Building,
Thoothukudi-628 002.

3.P.Neelavathi Ammal (Died)
4.G.Veeramani
5.M.Vinayakamurthy
6.P.Vijayalakshmi
7.P.Jeyalakshmi

... Respondents

(Respondents 6 & 7 are impleaded as legal heirs of the third respondent, vide Court order, dated 08.11.2022, in W.M.P(MD)No.15716 of 2017 in W.P(MD)No.12103 of 2015)



W.P(MD)No.12103 of 2015

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the second respondent in document No.1270 of 2015, dated 22.5.2015, quash the same and grant such further or other reliefs as may be deemed fit and proper in the circumstances of the case.

For Petitioners : M/s.K.S.Vamsidhar

For R-1 & R-2 : M/s.S.R.A.Ramachandran
Additional Government Pleader

For R-3 to R-5 : M/s.G.Thalaimutharasu
For R-6 & R-7 : No appearance

ORDER

The present Writ Petition has been filed challenging the registration of a document, under which, the already executed settlement deed in favour of the writ petitioners was unilaterally cancelled.

2. According to the learned Counsel for the petitioners, the third respondent is their mother and she has executed a settlement deed in their favour on 30.04.2015 out of love and affection. A perusal of the recitals of the said document indicate that the settlor has not reserved any right to



W.P(MD)No.12103 of 2015

cancel the said document and no conditions were imposed upon the writ petitioners for the execution of the said document. However, the third respondent has chosen to unilaterally cancel the said settlement deed on 25.05.2015. This document has been entertained by the second respondent herein for registration. The said order is under challenge in the present writ petition. After unilaterally cancelling the said settlement deed, the third respondent has chosen to execute a sale deed in favour of the fourth respondent, who is the brother of the son-in-law of the third respondent. On the same day, the fourth respondent is said to have executed a sale agreement in favour of the fifth respondent.

3. According to the learned Counsel for the petitioner, when the settlor has not reserved any right to revoke the said document and there are no conditions in the said document, the settlor cannot unilaterally cancel the settlement deed. When a unilateral cancellation deed is presented for registration, the second respondent herein has no jurisdiction to entertain the same. However, in the present case, the second respondent has entertained such document for registration and it has been registered as document No.1270/2015 on 22.05.2015.



W.P(MD)No.12103 of 2015

WEB COPY

4. I have carefully perused the settlement deed and the unilateral cancellation deed.

5. I am convinced that the settlor has not reserved any right to cancel the said document and hence, the unilateral cancellation is bad in the eye of law.

6. In view of the Hon'ble Full Bench of this Court in a judgment reported in **2022 (5) CTC page 257** has held that, the second respondent will not have any jurisdiction to entertain a document, under which, already executed settlement deed is unilaterally cancelled, especially when there is no clause or recital in the original settlement deed for cancellation of the document.

7. In view of the Hon'ble Full Bench judgment, the writ petition stands allowed and the second respondent is directed to delete the entry relating to the registration of document No.1270/2015, dated 22.05.2015. However, the third respondent or her legal heirs are always entitled to



W.P(MD)No.12103 of 2015

approach the competent civil Court for cancellation of the settlement deed, if they are so advised.

8. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Inspector General of Registration,
No.120, Santhome High Road,
Pattinapakkam, Chennai-600 028.

2.The Joint Sub Registrar,
Joint I Sub Registrar's Office,
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W.P(MD)No.12103 of 2015

R.VIJAYAKUMAR, J.

btr

Order made in
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