

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8834 of 2014

and

M.P(MD) No.1 of 2014

M.Muthukumar

... Petitioner

-vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.
2. The District Registrar (Administration),
Thenkarai, Periyakulam,
Theni District.
3. The Sub Registrar,
No.I, Joint Sub Registrar's Office,
Thenkarai, Periyakulam,
Theni District.
4. R.Muthukrishnan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to strike off the registration of cancellation deed executed by the fourth respondent bearing document No.543, dated 18.03.2013, on the file of the third respondent.

For Petitioner	: Mr.M.Saravanan
For R1 to R3	: Mr.S.R.A. Ramachandran Additional Government Pleader
For R4	: Mr.P.Ganapathi Subramanian

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the third respondent to strike off the registration of cancellation deed executed by the fourth respondent on 18.03.2013, in Document No. 543 of 2013, on the file of the third respondent.

2. According to the petitioner, the fourth respondent, namely, his father has executed a registered settlement deed on 17.02.2000 in his favour. As per the recitals, the said document is not revocable and cannot be cancelled. However, the fourth respondent has chosen to cancel the

settlement deed on 18.03.2013. The said cancellation deed has been received for registration by the third respondent herein and it has been registered as Document No.543 of 2013.

3. A perusal of the gift deed, dated 17.02.2000, clearly indicate that it is not a revocable document and no conditions have been imposed in the said document. However, the fourth respondent has chosen to unilaterally cancel the same and the third respondent has accepted the said document for registration.

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 accept the unilateral cancellation of the settlement deed for registration, especially, in cases, where are no recitals for revocation of the said document.

5. In view of the above said facts, this Writ Petition stands allowed. The third respondent is directed to delete the said encumbrance relating to Document No.543 of 2013, dated 18.03.2013. No costs. Consequently, the connected Miscellaneous Petition is closed.

12 .09.2022

Index : Yes / No

Internet : Yes / No

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R.VIJAYAKUMAR,J.

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