



W.P(MD)No.2954 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2954 of 2015

and

M.P(MD)No.1 of 2015

Amrudeen

... Petitioner

Vs.

1.The Sub Registrar,
Manamelkudi,
Pudukottai District.

2.Jalman Parisha

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare that the cancellation of settlement deed executed by the second respondent, dated 10.11.2014, registered as document No.1260/2014 on the file of the first respondent, by cancelling the settlement deed executed by the second respondent in favour of the petitioner, dated 02.12.2011, registered as document No.1662/2011 on the file of the first respondent is null and void and not binding upon the petitioner and his possession over the vacant site in Survey No.199/1B3 to an extent of 2880 sq.ft. situated at Kodikulam Village, Manamelkudi Taluk.



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For Petitioner : M/s.D.Venkatesh
For R-1 : M/s.K.S.Selvaganesan
Additional Government Pleader
For R-2 : No appearance

ORDER

The present Writ Petition has been filed for a Writ of Declaration, to declare the cancellation of settlement deed executed by the second respondent, dated 10.11.2014, in document No.1260/2014 on the file of the first respondent is null and void and not binding upon the petitioner. The second respondent in the writ petition is the owner of the property and she has executed a registered settlement deed in favour of her husband, who is the writ petitioner herein on 02.12.2011.

2. A perusal of the said settlement deed clearly indicates that she has not reserved any right to revoke the said settlement deed and no conditions have been imposed in the said settlement deed as against the writ petitioner. However, the second respondent has chosen to unilaterally cancel the said settlement deed on 10.11.2014. The said



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cancellation has been registered by the first respondent herein. The registration of the said cancellation deed is under challenge in the present writ petition.

3. The Hon'ble Full Bench of this Court in a judgment reported in **2022 (5) CTC page 257** has held that, the first respondent herein will not have any jurisdiction to entertain a unilateral cancellation deed of an already registered settlement deed, especially when there is no clause for revocation of the settlement deed.

4. In view of the Hon'ble Full Bench judgment, the writ petition stands allowed. However, the second respondent is at liberty to approach the competent civil Court for cancellation of the original settlement deed, dated 02.12.2011, if she is so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.10.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

btr

To

The Sub Registrar,
Manamelkudi,
Pudukottai District.

Order made in
W.P(MD)No.2954 of 2015

19.10.2022