



W.P(MD)No.4112 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD).No.4112 of 2015

and

M.P(MD).No.1 of 2015

S.Nazurudeen,

: Petitioner

Vs

1. The District Registrar,  
Registration Department,  
Office of the District Registrar,  
Round Road Pudur,  
Dindigul.

2. The Joint Sub Registrar No.1,  
Registration Department,  
O/o the District Registrar,  
Round Road Pudur, Dindigul.

3. P.S. Syed Mohammed,  
4. A. Haji Ali,

: Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India,  
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the registration of the impugned Cancellation of Settlement Deed dated 03.07.2013 bearing Document No. 1657/13 executed unilaterally by the third respondent on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to delete the entry on his file.

For Petitioner : Mr.R.R.Kannan

For R1 and R2 : Mrs. S.Jeyapriya

Government Advocate

For R3 : Mr.R.Shankarganesh

### **ORDER**

The present writ petition has been filed challenging the unilateral cancellation of the settlement deed executed by the third respondent in favour of his son, who is the writ petitioner herein.

2.According to the petitioner, the third respondent has executed a registered settlement deed in favour of the petitioner on 11.03.2003. There is a specific clause in the said settlement deed that the third respondent has no right whatsoever to cancel or modify the said settlement deed. However, the



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third respondent has cancelled the said settlement deed on 03.07.2013. The said document was received for registration by the second respondent and registered the same as document No.1657 of 2013. Hence this petition had been filed.

3.In view of the judgment of the Full Bench of this Court, in ***W.P(MD)Nos. 6889, 8330, 11674 of 2015, 1327 of 2020, W.A(MD)No.800 of 2022 and CMP(MD)No.6797 of 2022, dated 02.09.2022*** , the Registrar has no jurisdiction whatsoever to accept a document, under which a previously registered deed is sought to be unilaterally cancelled by the settlor, especially, when there is no power for the settlor to revoke the settlement deed.

4.In view of the above said facts, the registration of document No.1657 of 2013, dated 01.07.2013, on the file of the second respondent is hereby set aside. The second respondent is directed to delete the entries relating to the above said document.

5.With the above direction, this writ petition stands allowed. No costs. However, the private respondents are at liberty to approach the competent



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civil Court for getting appropriate remedy.

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6.Consequently, connected miscellaneous petition is closed.

**27.09.2022**

Index : Yes / No

Internet : Yes/ No

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To

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Dindigul.

2. The Joint Sub Registrar No.1,  
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**R.VIJAYAKUMAR, J.**

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