



W.P(MD)No.842 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.842 of 2015
and
M.P(MD)Nos.1 & 2 of 2015

Rajendran

... Petitioner

Vs.

1.The Joint Sub-Registrar-II,
Joint Sub-Registrar Office,
Karaikudi,
Sivagangai District.

2.Chinnammal

... Respondents

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 impugned unilateral cancellation of settlement deed, dated 26.11.2014, in Document No.7348/2014 registered with the first respondent and to quash the same.

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



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ORDER

The present Writ Petition has been filed challenging the registration of unilateral cancellation of a settlement deed, dated 26.11.2014, registered before the first respondent herein in Document No.7438/2014.

2. According to the writ petitioner, the second respondent herein, who is the mother-in-law of the petitioner has executed a registered settlement deed with regard to the property in dispute on 04.05.2005. Thereafter, she had unilaterally cancelled the same, by way of a document, dated 26.11.2014. According to the petitioner, the second respondent has no power to unilaterally cancel the said document. Hence, he prayed for setting aside the registration of the said cancellation deed.

3. A perusal of the settlement deed, dated 04.05.2005, indicates that the second respondent has not reserved any right to cancel the said document. No conditions have been imposed upon the writ petitioner in the said document. However, the second respondent has proceeded to



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unilaterally cancel the said document on 26.11.2014, which has been registered by the first respondent herein.

4. The Hon'ble Full Bench of this Court in a judgment reported in **2022 (5) CTC page 257** has held that, the first respondent has no jurisdiction to entertain such a document for registration. Hence, the registration of the said document is set aside. The writ petition stands allowed. However, the second respondent herein is at liberty to approach the competent civil Court for cancellation of the settlement deed, if she is so advised.

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

26.09.2022

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

btr

To

The Joint Sub-Registrar-II,
Joint Sub-Registrar Office,
Karaikudi,
Sivagangai District.

Order made in
W.P(MD)No.842 of 2015

26.09.2022