

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8788 of 2015

S.Rajeswari

... Petitioner

-vs-

1. The District Registrar,
No.32, K.M.S.K. Chettiar Complaex,
Aranthangi Road,
Pattukottai – 614 601.

2. The Joint Sub Registrar I,
Office of District Registrar,
No.32, K.M.S.K. Chettiar Complaex,
Aranthangi Road,
Pattukottai – 614 601.

3. M.Balaji

4. A.M.Sivaji

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to Cancellation Deed dated 21.11.2013, registered as Document Number 1829 of 2013, in Office of Joint-I, Sub Registrar at Pattukottai, the third respondent herein and quash the same.

For Petitioner : Mr.R.Rajaraman
For R1 & R2 : M/s. S.Jeyapriya
Government Advocate
For R3 : No appearance

ORDER

The present Writ Petition has been filed challenging the action of the Sub-Registrar in entertaining a unilateral cancellation of the settlement deed already executed in favour of the writ petitioner.

2. According to the petitioner, the registered settlement deed had been executed by her father viz., A.Marimuthu, through his power agent Rajendran on 18.10.2010.

3. A perusal of the said settlement reveals that the father viz., A.Marimuthu has not reserved any powers to revoke the said document and no condition has been imposed in the said document. However, the father viz., A.Marimuthu has chosen to cancel the said settlement deed, on 21.11.2013 in Document No.1829 of 2013 before the second respondent herein.

4. In view of the judgment of the *Honourable Full Bench of this Court in W.P.Nos.6889 of 2020 etc., batch, dated 02.09.2022, (Sasikala – vs- The Revenue Divisional Officer and others)* the Registrar has no jurisdiction, whatsoever to entertain a document for registration under which the settlement deed is unilaterally cancelled. Since the Registrar had exercised jurisdiction which he does not possess, the registration of the said cancelation deed is hereby set aside.

5. In view of the above observation, this Writ Petition stands allowed. The second respondent is directed to cancel the registration, pertaining to Document No.1829 of 2013, dated 21.11.2013. However, the legal heirs of the said A.Marimuthu are at liberty to approach the civil Court, in case they find that the execution of the settlement deed in favour of the writ petitioner is not in accordance with law. No costs.

12 .09.2022

Index : Yes / No
Internet : Yes / No

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To

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Pattukottai – 614 601.
2. The Joint Sub Registrar I,
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R.VIJAYAKUMAR,J.

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