



W.P(MD)No.18067 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18067 of 2016

and

W.M.P(MD)Nos.13032 & 13033 of 2016

V.Adlin Sindia

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
S.L.B.School South Road,
Nagercoil-629 001,
Kanyakumari District.

2.The Sub Registrar,
15/62, Alathurai,
Palliyadi and Post-629 252,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.Godwin Chandra

5.Selinkumari

6.Abhisha

7.Minor.Dinisha

... Respondents



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(Minor represented by her natural guardian and mother the fifth respondent herein)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records, pertaining to the registration of Cancellation deed, vide Doc.No.2073 of 2005, dated 31.10.2005, as registered by the petitioner's father, late.Vincent, which cancel the settlement deed executed in the petitioner's favour by the petitioner's father, late.Vincent, vide Document No.1834/1993, dated 14.10.1993 and the consequential registration of a Will deed, executed by the petitioner's father, late.Vincent, in favour of fourth respondent herein, vide Document No. 49/3 of 2005, dated 14.12.2005 and quash the same as illegal and consequently direct the second respondent to delete the entries relating to the above said documents from the "A" Register maintained by it and pass such further or other orders as this Court.

For Petitioner : M/s.C.Kishore

For R-1 & R-2 : M/s.S.Jeyapriya
Government Advocate

For R-3 : Mr.A.Baskaran
Additional Government Pleader

For R-4 : Mr.S.Ramakrishnan

For R-5 to R-7 : No appearance



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ORDER

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The present Writ Petition has been filed challenging the registration of a unilateral cancellation of a settlement deed.

2. According to the petitioner, her father Vincent had executed a registered settlement deed in her favour on 14.10.1993. Based upon the said settlement deed, she has executed a registered sale deed in favour of one Rajasekar, who is the ancestor in title of respondents 5 to 7 herein, by way of a sale deed, dated 15.03.2005. Thereafter, the said Vincent had unilaterally cancelled the settlement deed on 31.10.2005. Consequent to the cancellation of the settlement deed, he had executed a Will in favour of the fourth respondent herein on 14.12.2005. Hence, the present writ petition has been filed, challenging the registration of the said unilateral cancellation of a settlement deed on 31.10.2005.

3. According to the learned Counsel for the petitioner, it has been specifically mentioned in the settlement deed, dated 14.10.1993, that such a deed is being executed without imposing any condition. I have



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perused the said settlement deed and satisfied that the settlor has not reserved any right to revoke the settlement deed. In fact, there is a specific clause in the said settlement deed, that no conditions are imposed for the execution of the settlement deed.

4. In view of the judgment of the Hon'ble Full Bench of this Court in ***W.P(MD)Nos.6889, 8330, 13297 of 2020, 11674 of 2015 and W.A(MD)No.800 of 2022 and C.M.P(MD)No.6797 of 2022, dated 02.09.2022***, the second respondent herein has no jurisdiction to entertain any document, under which, a settlement deed is unilaterally cancelled by the settlor. In view of the said Full Bench judgment, the registration of document No.2073/2005, dated 31.10.2005, on the file of the second respondent herein is set aside. The writ petition is allowed to the said extent. However the learned Counsel for the petitioner had contended that a Will has been executed by the said Vincent only based upon the cancellation deed and she sought for cancelling the Will, dated 14.10.2005 also.



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5. In view of the fact that this Court has arrived at a finding that the unilateral cancellation of the settlement deed is not valid, the said Vincent will not have any title over the property and hence, the consequential Will, dated 14.10.2005, registered in document No.49/3 of 2005, dated 14.12.2005, on the file of the second respondent is also set aside. The present writ petition has been allowed only on the ground that the Sub registrar has no jurisdiction to entertain a document, under which, a settlement deed is unilaterally cancelled. However, if the parties are so advised, they can always approach the competent civil Court for the cancellation of the original settlement deed, dated 14.10.1993.

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

27.09.2022

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

btr

Order made in
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27.09.2022