



W.P(MD)No.2959 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2959 of 2016

J.Sebasthiyammal

... Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Pattinapakkam,
Chennai-28.

2.The District Registrar,
District Registrar Office,
Sivagangai District,
Sivagangai.

3.The Sub-Registrar,
Manamadurai Registration Office,
Manamadurai,
Sivagangai District.

4.S.Arokiyam

... Respondents

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 unilateral cancellation of settlement deed registered as Document No.2923/2012 dated 08.06.2012 on the file



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of the third respondent and quash the same and consequently directing the respondents No.1 to 3 to delete all entries with regard to Document No.2923/2012 dated 08.06.2012 from all the departmental registers maintained by them.

For Petitioner : Mr.Boopathy Pandian

For R1 – R3 : M/s.S.Jeyapriya
Government Advocate

For R4 : Mr.J.Jeyakumaran

ORDER

The present writ petition has been filed challenging a registration of unilateral cancellation deed by the third respondent herein.

2. According to the petitioner, the fourth respondent herein, namely her father has executed a registered settlement deed in her favour on 20.02.2008 under Document No.393/2008.

3. A perusal of the said document discloses that the settlor has not reserved any right to revoke the said document. No conditions have been imposed in the said document. However, the fourth respondent has chosen to unilaterally cancel the said settlement deed on 08.06.2012 in Document No.2923/2012 on the file of the third respondent herein.



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4. The Hon'ble Full Bench of this Court, by its judgment, dated 02.09.2022 in *W.P(MD)Nos.6889,8330,13297 of 2020, 11674 of 2015 and W.A(MD)No.800 of 2022* has held that the Sub-Registrar has no jurisdiction to entertain a deed, under which a settlement is unilaterally cancelled, unless it falls under any one of the categories under Section 126 of the Transfer of Property Act. In the present case, as stated supra, there are no conditions in the settlement deed and power to revoke the document has not been reserved in view of the settlor.

5. In view of the above said facts, the third respondent ought not to have received the document of unilateral cancellation of the settlement deed and he should not have registered the said document.

6. In view of the above said legal position of law, this Writ Petition stands allowed. This writ petition is being allowed only considering the jurisdiction of the third respondent herein to entertain a deed, under which a settlement is unilaterally cancelled. However, if the fourth respondent or his legal heirs would like to challenge the original settlement deed, dated 20.02.2008, they can do so before a competent Civil Court.



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WEB COPY 7. With the above said observations, this Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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