



W.P.No.8505 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8505 of 2013

and

M.P.No.1 of 2013

H.Haroon Rasheed

...Petitioner

Vs.

1.The Sub Registrar,
Tirupur Joint 2,
Tirupur Registration District,
Tirupur.

2.Mrs.Havama

3.H.Asaraf Ali

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the revocation deed registered by 1st respondent in Document No.492 of 2012 dated 08.02.2012 as illegal, void, against the Provisions of Transfer of Property Act and Registration Act.

For Petitioner : Mr.R.Selvakumar



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For R1 : Mr.S.Ravichandran
Additional Government Pleader

For R2 : Mr.K.Sudhakar

For R3 : Not Ready in Notice

ORDER

The Writ of Declaration is filed to declare the revocation deed registered by 1st respondent in Document No.492 of 2012 dated 08.02.2012 is void and in violation of the Provisions of Transfer of Property Act and Registration Act.

2. The writ petitioner is the son of the 2nd respondent and the 3rd respondent is the brother of the writ petitioner. The 2nd respondent is the original owner of the property bearing at New Door No.13/1, 13, 15/4, 5, (Old No.5), 2nd street, Kumarasamy Lay out, comprised in T.S.No.1187, Block No.17, Ward No.6, measuring to an extent of 1485 Sq.Ft.

3. The said property was settled by the 2nd respondent in favour of the writ petitioner and his brother/3rd respondent through Settlement Deed dated 28.05.2009 bearing Document No.2226 of 2009 on the file of the 1st respondent / Sub-Registrar. The 2nd respondent had handed over the



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possession of the property to the writ petitioner. However, at the instigation of her brother and son-in-law, the 2nd respondent had unilaterally revoked the Settlement Deed through Revocation Deed dated 08.02.2012 vide Document No.492 of 2012.

4. The learned counsel for the petitioner states that the unilateral revocation is bad in law and thus, the petitioner is constrained to move the present writ petition.

5. The issues regarding cancellation of Settlement Deed unilaterally is no more *res integra*. The Hon'ble Full Bench of this Court in the case of ***Sasikala & others Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District & others***, reported in ***CDJ 2022 MHC 5653***, ruled that the unilateral revocation of Settlement Deed is bad in law.

6. The Full Bench further considered the issue that in the event of non-maintenance of senior citizen/parents of the Settlor, then the Settlor or any other person is at liberty to approach the competent authorities under



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the provisions of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, for the purpose of revocation of Settlement Deed executed.

7. Thus, in the event of coercion, fraud or otherwise, the Settlor has got opportunity to revoke the Settlement Deed under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, unilateral revocation is impermissible and in violation of the provisions of the Transfer of Property Act.

8. In the present case, the writ petitioner has categorically stated that he has been maintaining his mother and now his mother is residing along with him. Further, the petitioner undertakes that he will not disturb the 2nd respondent / mother and demand any money from her. The said undertaking is filed by way of an affidavit before this Court, which reads as under:

“4. I submit that, from the beginning I am maintaining my mother and till date she is with me. Further after the death of my father in the year 2004, my mother is drawing pension for her till date. It is pertinent to note that my father was a foreman in the Electricity Board, who lastly worked at Tirupur. Now my mother is drawing



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pension of a sum of Rs.23,000/- and above per month.

5. I submit that, the house in the settlement deed dated 28.05.2009 is consisting of two portions and in which I had rented the house and my mother is collecting the rent of Rs.6500/- per month for herself till date without any interruption. I undertake that, I will not interfere in the collection of the rent or letting out any tenant by mother till her life time. In the second portion I am residing with my mother, wife and 3 daughters. I am doing tailoring job at Easa Garment, Venkiteshwara Nagar, Tirupur and my monthly salary is about Rs.18,000/- only.

6. I submit that, I am looking after my mother without getting any amount from her. I am also giving moral support for her by exclusively allotting one room for her in the double bed room house.”

9. If at all the 2nd respondent / mother is of an opinion that the Settlement Deed executed by her is by coercion, fraud or undue influence, she is at liberty to approach the competent authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for revocation of Settlement Deed in the manner known to law.

10. With this liberty, the Revocation Deed registered in Document



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No.492 of 2012 dated 08.02.2012 on the file of the 1st respondent is declared as void and the 1st respondent / Sub-Registrar, Tirupur, is directed to make necessary entries in the Registers.

11. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2023

Index : Yes
Speaking order
Neutral Citation:Yes

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To

1.The Sub Registrar,
Tirupur Joint 2,
Tirupur Registration District,
Tirupur.



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S.M.SUBRAMANIAM, J.

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