



W.A.No.483 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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1. R.Joy Christal
2. R.Metildamary
3. R.Victoria Angeline
4. R.Lizzy Jenika Dorathy
5. M.Jaganathan
6. Nirmala Devi
D/o M.Jaganathan
7. Indhira Gandhi
D/o M.Jaganthan

.. Appellants

v.

1. Lt.Col.R.John Daniel
2. The District Registrar
Registration Department
Udhagamandalam
The Nilgiris District
3. The Sub Registrar
Gudalur
The Nilgiris District

.. Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.03.2020 made in W.P.No.1698 of 2017.

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For Appellants :: Mr.V.Karthikeyan

For Respondents :: Mr.T.M.Naveen for R1
Mr.K.Tippusulthan
Government Advocate for R2 & R3

JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR,J.)

This intra-Court appeal is directed against the order dated 03.03.2020 passed in Writ Petition No.1698 of 2017.

2. The first respondent herein filed the above writ petition challenging the action of the third respondent herein for registration of the unilateral cancellation of settlement deed dated 18.5.2015 executed and presented by Raichel Mary, the mother of the first respondent as Document No.956 of 2015 on 20.8.2015. It is the case of the first respondent that his mother executed a settlement deed dated 24.10.2014 in his favour, which was registered as Document No.1406 of 2014 on the file of the third respondent. Even prior to the execution of the said settlement deed dated



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24.10.2014, the appellants 1 to 4 and their sister R.Beulah Gnanammal had executed a certificate dated 30.11.1993 in the presence of the Executive Officer of Gudalur Town Panchayat conveying their no objection for Raichel Mary executing a gift settlement deed in favour of the first respondent in respect of the property in question. The revenue records also have been mutated in the name of the first respondent. Subsequently, the first respondent also leased out the property on 1.2.2015. According to the first respondent, the said settlement deed was duly acted upon. While that being so, his mother Raichel Mary executed another document dated 18.5.2015 settling the very same property in favour of her daughters, namely, the appellants 1 to 4 and their sister R.Beulah Gnanammal, which was unilaterally registered as Document No.956 of 2015 on 20.8.2015 by the third respondent. Pending the writ petition, since R.Beulah Gnanammal died, her legal heirs were impleaded as the appellants 5 to 7 herein. Challenging the said unilateral cancellation, the first respondent filed the writ petition. The writ Court, following the decision of the Full Bench of this Court in the case of ***Latif Estate Line India Limited v. Hadeeja Ammal, 2011 (2) CTC 1***, allowed the writ petition holding that the



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unilateral cancellation deed and the subsequent settlement deed both dated 18.5.2015 in favour of the appellants have to be declared as null and void with a further direction to the third respondent to delete the said entries from the register as well as from the encumbrance certificate with liberty to the appellants herein to approach the competent civil Court for necessary relief. The said order of the writ Court is under challenge in this intra-Court appeal.

3. The learned counsel appearing for the appellants submitted that the order passed by the writ Court declaring the cancellation of the settlement deed as null and void, is unsustainable in law and therefore the order of the writ Court is liable to be set aside.

4. Per contra, the learned Government Advocate appearing for the respondents 2 & 3, producing the copies of the cancellation order passed by the registering authority and the extract of the encumbrance certificate dated 10.8.2023, submitted that pursuant to the order passed by the writ Court, the registering authority, namely, the Sub Registrar, Gudalur has cancelled the



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unilateral settlement deed executed in favour of the appellants and the same has also been reflected in the extract of the encumbrance certificate dated 10.8.2023. Therefore, at this juncture, the appellants, as observed by the writ Court, have to seek remedy only before the competent civil Court for necessary relief. The learned counsel appearing for the first respondent also adopted the arguments of the learned Government Advocate and prayed for dismissal of the writ appeal.

5. We also find merits on the submissions made by the learned counsels appearing for the respondents. In our considered opinion, the writ Court, following the decision of the Full Bench of this Court in the case of ***Latif Estate Line India Limited v. Hadeeja Ammal, 2011 (2) CTC 1***, finding that the settlement deed dated 24.10.2014 executed by Raichel Mary, the mother of the first respondent in his favour has been unilaterally cancelled by the subsequent settlement deed dated 18.5.2015 at the instance of the appellants, which was also wrongly entertained by the third respondent and registered as Document No.956 of 2015 on 20.8.2015, has rightly allowed the writ petition filed by the first respondent and has



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declared the gift settlement deed dated 18.5.2015 as null and void and has also correctly directed the third respondent to delete the said entries from the register as well as from the encumbrance certificate. A perusal of the copies of the cancellation order and the extract of the encumbrance certificate dated 10.8.2023 produced by the learned Government Advocate also would show that based upon the order passed by the writ Court, the registering authority has cancelled the entry in regard to unilateral registration of the document dated 20.8.2015 from the register and the same has also been reflected in the encumbrance certificate. When the order of the writ Court has been duly acted upon and this Court is also convinced with the materials placed before this Court by the respondents, the writ appeal stands dismissed with liberty to the appellants to approach the competent civil Court for appropriate relief, if any, as observed by the writ Court. Consequently, C.M.P.No.7295 of 2020 is also dismissed. There shall be no order as to costs.

(D.K.K.,J.) (P.B.B.,J.)
17.08.2023

Index : yes/no
Neutral citation : yes/no
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To
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Registration Department
Udhagamandalam
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