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W.P.Nos.28949 of 2016,
26536 & 26537 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28949 of 2016, 26536 & 26537 of 2014

and

W.M.P.Nos.25024 of 2016, 3809, 3810 of 2018

& M.P.Nos.1 & 1 of 2014

W.P.No.28949 of 2016:

1.Mr.K.Srinivasa Reddy (Died)

2.K.Rama Devi

W/o. Late Mr.K.Srinivasa Reddy

3.K.S.Vidaan Shankar

S/o. Late. Mr.K.Srinivasa Reddy

Rep. by his mother and Power Agent,

K.Rama Devi

Both P2 and P3 are residing at F-2,
“Sun Udhayam Apartments Sai Annex”,
Plot Nos.2 & 3, Kousalya Nagar,
Chitlapakkam,
Chennai – 600 064.

... Petitioners

[P2 & P3 are substituted as LR's of deceased Sole Petitioner vide order dated 07.06.2023 made in WMP.No.30515/2022 in WP.No.28949/2016]

Vs.



W.P.Nos.28949 of 2014
26536 & 26537 of 2014

1. The Sub Registrar,
Thiruvelangadu Sub Registration Office,
Thiruvelangadu,
Tiruvallur District.

2. K. Jeganatha Reddy

3. K. Ashalatha

4. N. Sumathy

5. M. Sridevi

6. K. Suseela

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in the registration of the Settlement Deed, dated 15.09.2014, vide Document No.5260 of 2014, executed by the 2nd respondent in favour of the respondents 3 to 6, on the file of the 1st respondent and quash the same as illegal, void and without jurisdiction.

W.P.No.26536 of 2014:

1. Mr. K. Srinivasa Reddy (Died)

2. K. Rama Devi
W/o. Late Mr. K. Srinivasa Reddy

3. K. S. Vidaan Shankar
S/o. Late. Mr. K. Srinivasa Reddy
Rep. by his mother and Power Agent,



W.P.Nos.28949 of 2014
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K.Rama Devi

Both P2 and P3 are residing at F-2,
“Sun Udhayam Apartments Sai Annex”,
Plot Nos.2 & 3, Kousalya Nagar,
Chitlapakkam,
Chennai – 600 064.

... Petitioners

[P2 & P3 are substituted as LR's of deceased Sole Petitioner vide order dated 07.06.2023 made in WMP.No.30561/2022 in WP.No.26536/2014]

Vs.

1.The Sub – Registrar - Thiruvelangadu,
Office of the Sub Registrar,
Thiruvelangadu,
Thiruvallur District.

2.K.Jeganatha Reddy

3.Asha Latha

4.Sumathi

5.M.Sridevi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in the registration of the Settlement Cancellation Deed dated 11.09.2013, executed and presented by the respondents 2 to 5, and registered as Document No.5480 of 2013, on the file of the 1st respondent herein, and to quash the same.



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W.P.No.26537 of 2014:

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1.Mr.K.Srinivasa Reddy (Died)

2.K.Rama Devi

W/o. Late Mr.K.Srinivasa Reddy

3.K.S.Vidaan Shankar

S/o. Late. Mr.K.Srinivasa Reddy

Rep. by his mother and Power Agent,

K.Rama Devi

Both P2 and P3 are residing at F-2,
“Sun Udhayam Apartments Sai Annex”,
Plot Nos.2 & 3, Kousalya Nagar,
Chitlapakkam,
Chennai – 600 064.

... Petitioners

[P2 & P3 are substituted as LR's of deceased Sole Petitioner vide order dated 07.06.2023 made in WMP.No.30563/2022 in WP.No.26537/2014]

Vs.

1.The Sub – Registrar - Thiruvelangadu,
Office of the Sub Registrar,
Thiruvelangadu,
Thiruvallur District.

2.K.Jeganatha Reddy (Died)

3.K.Asha Latha

4.N.Sumathy

5.M.Sridevi

... Respondents



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[R3 to R5 substituted as LR's of Deceased 2nd respondent vide order dated 07.06.2023 made in WMP.No.30563/2022 in WP.No.26537/2014]

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in the Registration of the Settlement Cancellation Deed dated 28.10.2013, executed and presented by the 2nd respondent, and registered as Document No.6405 of 2013, on the file of the 1st respondent herein and to quash the same.

For Petitioners	: Mr.E.Prabhu (in 3 WPs)
For R1	: Mr.G.Krishna Raja Additional Government Pleader (in 3 WPs)
For R3 to R5	: Mr.G.Ethirajulu (in 3 WPs)
For R2 & R6	: Died Steps Due (in WP.No.28949 of 2016)
For R2	: Died Steps Due (in WP.No.26536 of 2014)
For R2	: Died Steps Taken (in WP.No.26567 of 2014)



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COMMON ORDER

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These writ petitions have been instituted to quash the unilateral cancellation of the Settlement Deeds.

2. The 1st petitioner Late.Mr.K.Srinivasa Reddy state that his father executed settlement deeds in his favour in respect of the properties that belonged to his father. In respect of another settlement deed both father and sisters of the petitioner had executed it. All together the properties in its entirety were settled in favour of the petitioners both by his father and his sisters. After some time the father of the petitioner and the sisters of the petitioner unilaterally cancelled the settlement deeds executed in his favour without any valid reason.

3. The learned counsel for the petitioners mainly contended that the unilateral cancellation of settlement deed is impermissible and there is no provision under the Registration Act and the issues in this regard have already been settled by this Court.



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4. The learned counsel appearing on behalf of the respondents 2 to 6 raised an objection by stating that the case has got certain chequered history and the father was being coerced by the petitioner at the time of execution of settlement deed. More so, the father during their relevant point of time with a fond hope that he will be looked after by his son / petitioner and also to settle his debts executed the settlement deeds. However, the petitioner failed to perform his duties and thus, the father along with the sisters of the petitioner executed the cancellation.

5. The reason and background for execution and cancellation of settlement deeds cannot be adjudicated in writ proceedings. The legality of the document alone is to be considered by this Court and all disputed facts are to be adjudicated in the civil suit already instituted between the parties before the Competent Civil Court of Law.

6. As far as the legality of the unilateral cancellation of settlement deed is concerned the issues are no more *res integra* and two Hon'ble Full Bench of this Court have considered and held that such unilateral cancellation is impermissible and there is no provision under the Registration Act to cancel



the settlement deeds.

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7. The Full Bench of this Court in the case of **M/s.Latif Estate Line India Ltd. Vs. Mrs.Hadeeja Ammal** reported in **2011 (2) CTC 1** has settled principles as follows:

“(i) A deed of cancellation of a sale unilaterally executed by the transferor does not create, assign, limit or extinguish any right, title or interest in the property and is of no effect. Such a document does not create any encumbrance in the property already transferred. Hence such a deed of cancellation cannot be accepted for registration.

(ii) Once title to the property is vested in the transferee by the sale of the property, it cannot be divested unto the transferor by execution and registration of a deed of cancellation even with the consent of the parties. The proper course would be to re-convey the property by a deed of conveyance by the transferee in favour of the transferor.

(iii) Where a transfer is effected by way of sale with the condition that title will pass on payment of consideration, and such intention is clear from the recital in the deed, then such instrument or



sale can be cancelled by a deed of cancellation with the consent of both the parties on the ground of non-payment of consideration. The reason is that in such a sale deed, admittedly, the title remained with the transferor.

(iv) In other cases, a complete and absolute sale can be cancelled at the instance of the transferor only by taking recourse to the Civil Court by obtaining a decree of cancellation of sale deed on the ground inter alia of fraud or any other valid reasons.”

8. The legal position was further confirmed by the subsequent Full Bench Judgment in the case of **Sasikala vs. The Revenue Divisional Officer, cum Sub Collector, Devakottai and Others** reported in **(2022) 7 MLJ 1**.

The relevant paragraphs are extracted here under:

“54. The third step namely the act of registration, is something that the Registering Authority is called upon to do statutorily. While the executant of the document and the person claiming under the document (claimant) are the only actors involved in the first two steps, the Registering Officer is the actor in the third step.



Apart from the third step which is wholly in the domain of the Registering Authority, he may also have a role to play in the second step when a document is presented for registration and the execution thereof is admitted. The role that is assigned to the Registrar in the second step is that of verification of the identity of the person presenting the document for registration.

55. Thus, the first two steps in the process of registration are substantial in nature, with the parties to the document playing the role of the lead actors and the Registering Authority playing a guest role in the second step. The third step is procedural in nature where the Registering Authority is the lead actor....

*59. Much ado was sought to be made by contending that the Appellant approached the High Court without disclosing the previous orders of the High Court and this Court, relegating them to civil court for the adjudication of their claim. Reliance was also placed in this regard on the decision of this Court in **Raj Kumar Soni vs. State***



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of U.P. (2007) 10 SCC 635.”

9. Regarding the civil disputes or family disputes or violation of promises between the parties, if any, may be adjudicated in a civil suit, which has already been instituted between the parties. Without expressing any opinion on merits the cancellation deed alone is to be set aside on the ground that the power of registration of cancellation of settlement deed is impermissible under law.

10. In view of the facts and circumstances, the impugned cancellation of Settlement Deeds dated 15.09.2014, 11.09.2013, 28.10.2013 vide Document Nos.5260 of 2014, 5480 of 2013 and 6405 of 2013 are quashed and the parties are at liberty to redress their grievances, if any exists regarding civil rights before the Competent Civil Court of Law.

11. Accordingly, these Writ Petitions stand allowed. No costs. Consequently, connected Miscellaneous Petition stands closed.

14.08.2023

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Index : Yes



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Speaking order
Neutral Citation : Yes

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To

The Sub Registrar,
Thiruvelangadu Sub Registration Office,
Thiruvelangadu,
Tiruvallur District.



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W.P.Nos.28949 of 2016,
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S.M.SUBRAMANIAM, J.

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