



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18983 of 2020

and

WMP.Nos.23540, 23543 and 23537 of 2020

Mr.K.Bakthavatchalam,
S/o.Late Mr.Kuppusamy Reddy

... Petitioner

Vs.

1. Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavellipakkam, R.A.Puram,
Tamil Nadu, Chennai – 600 028.

2. The Sub-Registrar,
Ashok Nagar,
602, 1st Floor, Alagirisamy Salai,
Sector 9, KK Nagar, Chennai – 600 083.

3. Mrs.Sakuntala

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminated in the Cancellation Deed dated 30.05.2011, which has been registered as document No.1230 of 2011 in office of the Sub-Registrar, Ashok Nagar in respect of the Schedule Mentioned Property and



quash the same and consequently direct the 2nd respondent to remove the entry made as Deed of Cancellation dated 30.05.2011, which has been registered as Document No.1230 of 2011 in the office of the Sub-Registrar, Ashok Nagar.

For Petitioner : Mr.D.Ferdinand

For Respondents : Mr.C.Jaya Prakash
Government Advocate [R1 & R2]

Mr.D.Saikumaran [R3]

ORDER

The writ on hand has been instituted to quash the unilateral cancellation of the settlement deed dated 30.05.2011.

2. The petitioner states that he purchased the property through a registered sale deed dated 20.10.1986 vide document No.3752 of 1986 on the file of SRO, Kodambakkam. The property was purchased in the name of the third respondent/wife of the petitioner. The wife subsequently executed a settlement deed in favour of the writ petitioner on 21.10.2002 vide document No.2267 of 2002 on the file of SRO, Kodambakkam.

3. The petitioner further states that the settlement deed executed in his favour on 21.10.2002 had been unilaterally cancelled by the third respondent,



who is none other than the wife of the petitioner. The third respondent/wife had executed the deed of cancellation of settlement deed on 30.05.2011 vide document No.1230 of 2011.

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4. The learned counsel appearing on behalf of the third respondent made a submission that there are subsequent events dealing with the properties with the consent of the petitioner.

5. In respect of the subsequent events occurred at the instance of the parties, the petitioner and the contesting respondents are at liberty to resolve the same in the manner contemplated under law. As far as the unilateral cancellation of settlement deed is concerned, the same is impermissible under the law in view of the following two different Full Bench Judgment of this Court:

1. *M/s.Latif Estate Line India Ltd. Vs. Mrs.Hadeeja Ammal* reported in **2011 (2) CTC 1**
2. *Sasikala vs. The Revenue Divisional Officer, cum Sub Collector, Devakottai and Others* reported in **(2022) 7 MLJ 1.**



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6. In view of the fact that the unilateral cancellation of settlement deed is impermissible and the issue raised in this regard is no more *res-integra* in view of the judgments of the Full Bench cited supra, the present writ petition is to be considered.

7. Accordingly, the impugned unilateral cancellation of settlement deed dated 30.05.2011 registered as document No.1230 of 2011 on the file SRO, Ashok Nagar stands quashed and the Sub-Registrar, Ashok Nagar is directed to make necessary entries in the encumbrance registers.

8. The aforesaid exercise is directed to be completed within a period of four(4) weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

01.09.2023

Index : Yes
Speaking order
Neutral Citation : Yes/No

mp



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To

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2. The Sub-Registrar,
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