



W.P.No.34838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34838 of 2022

1.S.Girija

2.V.Amutha

...

Petitioners

Represented by their power of
Attorney holder A.Rani.

/vs/

Sub Registrar- Thiyaga Thurgam

Kallakuruchi Main Road,

Thiyagadurgam-606 206.

...

Respondent

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India for issuance of writ of Declaration, to declare the deed of cancellation dated 13.08.2004 vide Doc.No.912 of 2004 on the file of the 2nd respondent as null and void and in consequence revoke the settlement deed in Doc.No.1110 of 2003 on the file of the 2nd respondent within a time period stipulated by this Hon'ble Court.

For Petitioners

... Mr.C.Vidhusan

For Respondent

... Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The writ petition has been filed to issue a Writ of Declaration to declare the deed of cancellation dated 13.08.2004 vide Doc.No.912 of 2004 on the file of the 2nd respondent as null and void and in consequence, revoke the settlement deed in Doc.No.1110 of 2003 on the file of the 2nd respondent.

2.Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

3.On a perusal of the entire materials available on record, it is seen that the unilateral cancellation of the settlement deed is not recognised by law and the Hon'ble Supreme Court and this Court, time and again, held in several cases that there is no dispute regarding the settled proposition of law as to whether the settlement can be cancelled unilaterally, whether the unilateral cancellation is valid or not, and whether the writ Court can decide or not. Now, the settlement deed is said to have been executed in the year 2003 and the same was cancelled in the year of 2004. Now, the writ



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petition has been filed in the year 2022 and the citation referred to by the learned counsel appearing for the petitioner is not applicable to the facts of the present case on hand.

In view of the above, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed with liberty to the petitioners to work out their remedy in the manner known to law. No costs.

Index : Yes/No
Speaking Order :Yes/No
Neutral Case Citation:Yes/No
sms

15.11.2023

To
Sub Registrar- Thiyaga Thurgam
Kallakuruchi Main Road,
Thiyagadurgam-606 206.



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P.VELMURUGAN,J.

sms

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