



W.P(MD).No.3780 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.3780 of 2013

and

M.P(MD) Nos.1 and 2 of 2013

T.Velankanni Mary

..... Petitioner

- Vs-

1. The Inspector General of Registration,
Registration Department,
Chennai.

2. The District Registrar,
Registration Department,
Tirunelveli District.

3. The Sub Registrar,
Sankarankoil Sub Register Office,
Tirunelveli District.

4. S.Sanmugaiah (died)

5. S.Vayalmani

6. S.Arun Arokiasamy

... Respondents



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(R-5 and R-6 are impleaded vide order of this Court dated 21.12.2022 in W.M.P (MD) No.22509 of 2022 in W.P(MD) No. 3780 of 2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned “cancellation of family settlement document” in document No.1321 of 2012, dated 07.05.2012 on the file of the third respondent and quash the same and consequently direct the third respondent to delete the entries in his office records pursuant to the “cancellation of family settlement document” in document No.1321 of 2012, dated 07.05.2012 on the file of the third respondent.

For Petitioner	: Mr.S.Gokul Raj
For Respondents	: Mr.N.Sathish Kumar Additional Government Pleader (for R-1 to R-3)
	: Mr.J.Anandakumar (for R-5 and R-6)

ORDER

The present Writ Petition has been filed seeking to quash the registration of unilateral cancellation of settlement deed in Document No.1321 of 2012, dated 07.05.2012 on the file of the third respondent.



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2. The deceased fourth respondent had originally executed a family settlement settling the property in favour of his son, Thirumalaikumar, who is the husband of the petitioner. On the death of the said Thiurmalaikumar, the deceased fourth respondent herein had cancelled the settlement deed unilaterally.

3. The learned counsel for the petitioner would submit that the registration of unilateral cancellation is illegal as has been held by the Full Bench of this Court.

4. Mr.J.Anandakumar, learned Counsel appearing for the respondents 5 and 6, who are the legal heirs of the deceased fourth respondent would submit that the petitioner had also preferred a petition in M.C.No.19 of 2012 under the Domestic Violence Act 2005. In that proceedings, the petitioner and the sixth respondent herein had entered into a Compromise Memo, whereby, the property, which was originally vested in the husband of the petitioner and cancelled by the deceased fourth respondent, was given to the petitioner. The said compromise memo has already been recorded in



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M.C.No.19 of 2012 in the order dated 13.04.2022 on the file of the Judicial Magistrate, Sankarankoil.

5. In view of that Compromise Memo, the property has now been vested in the petitioner and she has also been put in possession by the sixth respondent herein. The sixth respondent is present before this Court and also agreed to the same.

6. In the light of the aforesaid circumstances, there is no necessity to make any further adjudication in this Writ Petition. The petitioner is at liberty to seek registration of the order passed in M.C.No.19 of 2012, dated 13.04.2022 by the Judicial Magistrate, Sankarankoil. When such an application is made, the concerned Sub Registrar shall not reject the request, in view of the order passed by this Court in ***W.P.No.33186 of 2022, dated 09.12.2022. (M.Venkatesan – vs- The District Registrar (Administration), Registration Department, Villupuram and others)***



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7. With the above said observation, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

04.01.2023

NCC: Yes / No

(1/2)

Index : Yes / No

Internet : Yes / No

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To

1. The Inspector General of Registration,
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K.KUMARESH BABU, J.

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Order made in
W.P(MD)No.3780 of 2013

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