



W.P.(MD).No.5505 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5505 of 2021

and

W.M.P.(MD).No.4368 of 2021

Mohamed Wahar

... Petitioner

Vs.

1.The Sub Registrar,
Rajasingamangalam Sub Registrar
Office,
Rajasingamangalam Taluk,
Ramanathapuram District.

2.Noor Jahan

3.Sithi Kathija Banu

... Respondents

(R3 is impleaded vide court order dated 27.09.2023 made in W.M.P.(MD).No.9745 of 2021 in W.P.(MD).No.5505 of 2021)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of direction, declaring the cancellation deed register by the first respondent in Doc.No.1300/2020 dated 14.10.2020 as illegal and void.



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For Petitioner : Mr.J.M.Hassanul Bazari
For R-1 : Mr.A.K.Manikkam,
Special Government Pleader
For R-2 : No Appearance
For R-3 : Mr.J.Barathan

ORDER

This Writ Petition is filed for Writ of direction, declaring the cancellation deed register by the first respondent in Doc.No.1300/2020 dated 14.10.2020 as illegal and void.

2. The petitioner is the brother of the 2nd respondent. Admittedly, the second respondent had executed a gift deed in the name of the petitioner on 24.09.2020 and the same is registered. Subsequently, the relationship between the second respondent and the petitioner was strained. It is settled proposition that any document executed and registered, then it cannot be unilaterally cancelled. Therefore, the cancellation deed register by the first respondent is illegal. Hence, the impugned order is quashed. The second respondent is at liberty to approach the appropriate Civil Court for the remedy.



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3. With these observations and directions, this Writ Petition is allowed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.09.2023
(2//2)

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Sml

To

The Sub Registrar,
Rajasingamangalam Sub Registrar
Office,
Rajasingamangalam Taluk,
Ramanathapuram District.



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S.SRIMATHY, J.

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