



1

W.P.(MD)NO.7811 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7811 of 2022 AND
W.M.P.(MD)No.5861 of 2022

1. V.S.Visahan

2. Suganya

... Petitioners

Vs.

1. The District Registrar,
Registration Department,
Madurai, Madurai District.

2. The Sub Registrar,
Registration Department,
Checkanoorani,
Madurai District.

3. S.Lavanya

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the registration of the deed of the unilateral cancellation of release deed registered by the second respondent in Doc. No.3/2020 dated 14.02.2020 and the entries in the encumbrance certificate regarding such cancellation to be illegal and consequently direct the second respondent to remove such entries from the encumbrance certificate.



For Petitioner : Mr.S.A.Ajmalkhan
For R-1 & R-2 : Mr.V.Nirmal Kumar,
Government Advocate.
For R-3 : Mr.B.Muneeswaran

* * *

ORDER

Heard both sides.

2. The first petitioner is the brother of the third respondent. The third respondent had executed a release deed as early as on 09.07.2002 in favour of the first petitioner and their mother Jothiammal. This was registered as document in 38/2002 on the file of the second respondent. This document was unilaterally cancelled on 14.02.2020 by the third respondent. This was registered as document No.3/2020 on the file of the second respondent. Challenging the same, the present writ petition has been filed.

3. The issue raised in this writ petition is no longer *res integra*. The Hon'ble Full Bench of Madras High Court in the decision reported in **2022 5 CTC 257 (Sasikala V. Revenue Divisional Officer-cum-Sub Collector)** had held that such unilateral cancellations are impermissible in law.



4. In this view of the matter, the registration of the cancellation deed is set aside. This writ petition stands allowed. It is stated that the civil suit is pending between the parties. The outcome of this writ petition will not have any bearing on the rights of the parties in the suit. The third respondent cannot rely on the unilateral cancellation. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Registrar,
Registration Department,
Madurai, Madurai District.
2. The Sub Registrar,
Registration Department,
Checkanoorani,
Madurai District.



WEB COPY



4

W.P.(MD)NO.7811 OF 2022

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.7811 of 2022

03.11.2023