



WP(MD)Nos.13907 & 13908 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)Nos.13907 & 13908 of 2021

and

W.M.P.(MD)Nos.10867, 10869, 10872 & 10873 of 2021

1.G.Praveena

2.Minor G.Swetha

Represented through her father

S.Gunasekaran.

...Petitioners in W.P.(MD)Nos.13907 of 2021

S.Gunasekaran

...Petitioner in W.P.(MD)No.13908 of 2021

/Vs./

1.The District Registrar,

Periyakulam,

Theni District.

2.The Sub Registrar,

Theni Sub-Registration Office,

Theni District.

3.N.Jeyapal

4.N.Kubendran

5.N.Kurumban

6.N.Ponnuthayee

....Respondents in both petitions

COMMON PRAYER:- Petitions - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records



WP(MD)Nos.13907 & 13908 of 2021

pertaining to the Registration of Document No.7863, 7862 dated 20.09.2012 and to quash the same as illegal and consequently direct the 1st and 2nd respondents to delete the entry of deed of cancellation of gift in Document No. 7863, 7862 dated 20.09.2012 on the file of the 2nd respondent.

Appearance in both petitions:-

For Petitioners : Mr.C.M.Arumugam
For Respondents : Ms.S.Jeyapriya (R1 & R2)
Government Advocate
Mr.A.Arumugam (R3 to R6)

COMMON ORDER

These writ petitions have been filed challenging the registration of deed of cancellation of gift deeds dated 20.09.2012 registered as Document Nos.7862 and 7863 of 2012.

2. Heard Mr.C.M.Arumugam, learned counsel appearing for the petitioners, Ms.S.Jeyapriya, learned Government Advocate appearing for the first and second respondents and Mr.A.Arumugam, learned counsel for the private respondents.



WP(MD)Nos.13907 & 13908 of 2021

3. The case of the petitioners is that S.Sokkan, who is the father of the petitioner in WP(MD)No.13908 of 2021 and grandfather of the first petitioner in WP(MD)No.13907 of 2021, executed two separate gift cum settlement deeds dated 01.07.2011, which were registered as Document Nos.6292 and 6293 of 2011. These documents were cancelled by the said Sokkan unilaterally through the deeds of cancellation dated 20.09.2012, which were registered as Document Nos.7862 and 7863 of 2012. These documents were entertained and registered by the second respondent and aggrieved by the same, these writ petitions have been filed before this Court.

4. The issue involved in these cases is squarely covered by various orders passed by this Court, wherein it was repeatedly held that such unilateral cancellation of document should not be entertained and registered. For easy reference, an order passed by this Court in WP(MD)No.10696 of 2021, dated 13.07.2021 can be taken note of. In this case, this Court held that such unilateral cancellation is non-est in the eye of law and it was also interfered by this Court.

5. It is seen from the gift cum settlement deeds executed in favour of the petitioners that the settlor has not reserved any right to cancel the document



WP(MD)Nos.13907 & 13908 of 2021

under any circumstances. In view of the same, the gift cum settlement deeds cannot be cancelled unilaterally and the deeds of cancellation ought not to have been entertained by the Sub Registrar. Hence, the same requires interference by this Court.

6. It is brought to the notice of this Court that the petitioners had already filed a suit in O.S.No.127 of 2012 before the District Munsif Court, Theni seeking for the relief of permanent injunction and the said suit was decreed through judgment and decree dated 09.04.2021. Aggrieved by the same, the settlor and others have filed an appeal, which is pending in A.S.No.20 of 2021 on the file of the Sub Court, Theni. The civil dispute between the parties can be agitated independently and the order passed in these writ petitions will not have any bearing.

7. In the result, these writ petitions are allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2023

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



WP(MD)Nos.13907 & 13908 of 2021

WEB COPY

- TO:-
- 1.The District Registrar,
Periyakulam,
Theni District.
 - 2.The Sub Registrar,
Theni Sub-Registration Office,
Theni District.



WEB COPY



WP(MD)Nos.13907 & 13908 of 2021

N.ANAND VENKATESH, J.

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Common Order made in
W.P.(MD)Nos.13907 & 13908 of 2021

Dated:
20.12.2023