



WP(MD)No.13879 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)No.13879 of 2021

A.Baskar

...Petitioner

/Vs./

1.The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

2.P.Ayyanar

3.A.Selvam

4.J.Deepalakshmi

...Respondents

(R2 to R4 are impleaded vide Court order dated 08.09.2021 in WMP(MD)No. 11722 of 2021.)

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the registration of the deed of cancellation of settlement registered by the respondent in Document No.282 of 2017 dated 01.02.2017 and the entries in the encumbrance certificate regarding such cancellation to be illegal and consequently direct the respondent to remove such entries from the encumbrance register.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.R.Ragavendran (R1)

Government Advocate

No appearance (R2 to R4)



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ORDER

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This writ petition has been filed to declare the registration of the deed of cancellation of settlement dated 01.02.2017 in Document No.282/2017 as illegal and non-est in the eye of law.

2. Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate appearing for the first respondent. Notice to the respondents 2 to 4 is dispensed with, since the settlement deed was executed in favour of the petitioner by his mother, Krishnaveni and she died on 11.01.2021. The second respondent is the father of the petitioner. The third and fourth respondents are brother and sister of the petitioner. These respondents will not have any say insofar as the issue that is involved in this writ petition.

3. The grievance of the petitioner is that his mother had executed a registered settlement deed dated 01.03.2012 registered as Document No.1572 of 2012 and had settled the subject property absolutely in favour of the petitioner without reserving any right to modify or cancel the document. However, the mother of the petitioner by virtue of the cancellation deed dated 01.02.2017 registered as Document No.282 of 2017 had cancelled the settlement deed and this document was entertained by the respondents. Hence, the registration of



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the deed of cancellation dated 01.02.2017 has been put to challenge in the present writ petition.

4. In the considered view of this Court, the issue involved in this case 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. In the light of the above discussion, this writ petition is allowed as prayed for. No costs.

20.12.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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TO:-

- 1.The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

Order made in
W.P.(MD)No.13879 of 2021

Dated:
20.12.2023