



W.P.(MD)No.18150 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18150 of 2021

Pappammal @ Kuppammal

... Petitioner

Vs.

1.The Sub Registrar,
Kodaikanal Sub Registrar Office,
Anna Salai,
Kodaikanal Town and Taluk,
Theni District.

2.Selvi

3.Durairaj

4.Sathasivam

5.Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned document no. 547/2012 dated 13.03.2012 on the file of the 1st respondent relating to the cancellation of the settlement deed dated 14.11.2006 executed in favour of the petitioner as document No.1629 of 2006 by the father of the petitioner and quash the same as illegal and consequently direct the 1st respondent to annul the



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encumbrance created and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of this case and thus render justice.

For Petitioner : Mr.A.P.Ramesh
For R-1 : Mr.AK.Manikkam,
Special Government Pleader
For R-2 to R-5 : No Appearance

ORDER

This Writ Petition has been filed challenging the unilateral cancellation of the settlement deed executed in favour of the petitioner through a cancellation deed dated 13.03.2012 registered as Document No. 547 of 2012 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent. The Respondent Nos.2 to 5 have been served with notice and their names have also been printed in the cause list and there is no representation either in person or through counsel.



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3. The case of the petitioner is that his father had executed a gift / settlement deed in favour of the petitioner on 14.11.2006 with respect to the subject property which was registered on the file of the first respondent as Document No.1629 of 2006. Pursuant to the same, the petitioner was in possession and enjoyment of the property. Thereafter, this gift / settlement deed seems to have been cancelled through a revocation deed dated 13.03.2012 which was registered as Document No.547 of 2012. The settlor had not reserved any rights to cancel the settlement deed and in spite of the same, he had executed the revocation deed and had unilaterally cancelled the gift / settlement deed that was executed in favour of the petitioner on 14.11.2006. The same has been put to challenge in the present Writ Petition.

4. The issue that is involved in this Writ Petition is squarely covered by the earlier orders passed by this Court. This Court has categorically held that a settlement deed once executed without reserving any rights to cancel the same, cannot be unilaterally cancelled subsequently and such document through which the unilateral cancellation is done, should not be entertained and registered. If any such registration



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is done, the same is illegal and non-est in the eye of law. In the instant case, the first respondent has entertained the unilateral cancellation of the settlement deed that was executed by the settlor without the settlor reserving any rights for cancelling the settlement deed. It therefore requires the interference of this Court.

5. In the result, this Writ Petition is allowed as prayed for.

No costs.

21.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

The Sub Registrar,
Kodaikanal Sub Registrar Office,
Anna Salai,
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N.ANAND VENKATESH, J.

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