



WP(MD)No.17303 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.17303 of 2022

and W.M.P(MD)Nos.12622 and 12623 of 2022

R.Jayamurugan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2. The Joint Sub Registrar,
Madurai South Joint 4 Sub Registrar Office,
VMR Complex,
Vasaantha Nagar,
Palanganatham,
Madurai.

3. R.Veerasamy

4. The District Registrar,
Madurai South,
Madurai

... Respondents

(R4 is *suo motu* impleaded in this Writ Petition by this order)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus to call for the



WP(MD)No.17303 of 2022

records relating to the unilateral cancellation of gift deed in cancellation deed vide document No.11932/2010 dated 05.10.2010 on the file of the second respondent herein and quash the same as illegal and consequently direct the 1st and 2nd respondents to remove the encumbrance entries of unilateral cancellation of gift deed in document No.5187/2007 dated 08.05.2007 maintained in the office of the 2nd respondent in respect of land and building consisting of 945.5 square feet situated in Survey No.2/1, Madakulam Village, Palanganatha Sub Division, South Taluk, Madurai District within a time frame stipulated by this Court.

For Petitioner : Mr.Brijesh Kishore
For R1,R2 & R4 : Mr.M.Prakash
Additional Government Pleader
For R3 : Mr.J.Barathan

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an unilateral cancellation of a gift deed in Cancellation Deed vide Document No.11932/2010 dated 05.10.2010 by the Joint Sub Registrar, Madurai South Joint 4 Sub Registrar Office,Palanganatham, Madurai. A consequential direction is also sought to remove the encumbrance entry of the unilateral cancellation of gift deed in Document No.5187/2007 dated 08.05.2007 maintained in the office of the 2nd respondent.



WP(MD)No.17303 of 2022

2. The entire issue relates to land and building measuring 945.5 square feet situated in Survey No.2/1, Madakulam Village, Palanganatham Sub Division, South Taluk, Madurai District, which was registered as Document No.5187/2007 dated 08.05.2007.

3. In the affidavit filed in support of the Writ Petition it had been stated that the petitioner is residing in the first floor of Survey No.21B, Thiyaiki Sankaralinganar Street, Jaihind Puram, Madurai District. His family is engaged in agriculture and the petitioner and his brother were doing textile business. One of the brothers by name R.Veerassamy had been arrayed as the third respondent in this Writ Petition.

4. It had been further stated that the third respondent had executed a gift deed for a portion of the land measuring 945.5 sq. feet out of a larger area of 2905 sq.feet which was registered as Document No.5187/07 dated 08.05.2007. The third respondent had availed loan from ICICI bank. The property gifted to the petitioner was offered as collateral security. According to the petitioner, the loan was repaid by the petitioner. Thereafter, the petitioner obtained another loan



WP(MD)No.17303 of 2022

from City Finance for a sum of Rs.1,29,000/- for textile business. He decided to sell the property which had been gifted to him by the third respondent herein. He came to know that the gift deed has been unilaterally cancelled by way of a Cancellation Deed registered as Document No.11932/2010 dated 05.10.2010. Questioning the registration of the unilateral cancellation of gift deed, the present Writ Petition has been filed.

5. Notice has been served on the third respondent who had entered appearance.

6. The petitioner is directed to give a representation before the District Registrar (Administration), Madurai South at Madurai complaining about the registration of an unilateral cancellation of a gift deed. Since the competent authority to enquire into the registration of the cancellation of the gift deed by the Joint Sub Registrar Office is the District Registrar, Madurai South, Madurai, the said official/the District Registrar, Madurai South, Madurai is *suo motu* impleaded as the fourth respondent in this Writ Petition.



WP(MD)No.17303 of 2022

7. The Registry is directed to carry out the necessary amendment before issuing the order copy.

8. If the petitioner gives a representation, the fourth respondent is directed to examine the same in the light of the judgment of the Full Bench of this Court in **Sasikala Vs. Revenue Divisional Officer cum Sub Collector, Sigagangai District and another, [2022 (5) CTC 257]** wherein, it had been very specifically held that unilateral cancellation of Sale Deed or any other Deed of Conveyance, except Will or Gift revoked as per Section 126 of T.P Act, opposed to object and purpose of Registration Act and contrary to provisions of T.P.Act. It was also held that the Registering Authority has no power to accept Deed of Cancellation to nullify Deed of Conveyance made earlier.

9. The fourth respondent is directed to call for explanation from the second respondent as to how the cancellation of the gift deed was registered when it was presented by the third respondent and examine the lawfulness of the said document and proceed to pass necessary orders after issuing notice to necessary parties. The official respondents shall complete the said exercise within



WP(MD)No.17303 of 2022

a period of three months from the date of the representation given by the petitioner.

10. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

20.06.2023

Index : Yes/No
Internet : Yes/No
CM

To,

1.The District Collector,
Tirunelveli District.

2.The Executive Officer,
Thisaiyavilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

3.The District Registrar,
Madurai South,
Madurai.



WEB COPY



WP(MD)No.17303 of 2022

C.V.KARTHIKEYAN, J.

CM

W.P.(MD)No.17303 of 2022
and W.M.P(MD)Nos.12622 and 12623 of 2022

20.06.2023