



W.P.(MD)No.18974 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18974 of 2020

and

W.M.P.(MD)No.15894 of 2020

S.Jesuraj

... Petitioner

-VS-

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

2.The Joint II Sub Registrar,
O/o.The Joint II Sub Registrar,
Karaikudi,
Sivagangai District.

3.S.Kulanthaisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Deed of Cancellation of Settlement, dated 04.12.2014, executed by late S.Paulin Mary, registered as Document No.7469 of 2014, on the file of the second respondent purporting to cancel the settlement deed, dated 06.11.2014, executed by Late. S.Paulin Mary in favour of the petitioner herein, bearing Document No.6855 of 2014, on the file of the second respondent, is null and void, *non est* in law and not binding upon the petitioner.

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For Petitioner : Mr.P.Dhurairaj
For R1 and R2 : Mr.A.K.Manikkam
Special Government Pleader
For R3 : No Appearance

ORDER

This Writ Petition has been filed challenging the registration of the unilateral cancellation of the settlement deed, dated 04.12.2014, as null and void and *non est* in the eye of law.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 and 2. Though the third respondent has been served with notice and his name has also been printed in the cause list, there is no representation either in person or through counsel.

3. The grievance of the petitioner is that the third respondent, who is the brother of the petitioner, had executed a registered settlement deed, dated 06.11.2014, in his favour. This document was registered as Document No. 7469 of 2014. In this settlement deed, it was made clear that the property is settled absolutely without reserving any right for cancellation of the



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document. Thereafter, by virtue of a cancellation deed, dated 04.12.2014, the settlement deed has been unilaterally cancelled. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The issue involved in this Writ Petition is squarely covered by the earlier order passed by this Court. This Court categorically held that where a settlement deed has been executed and the property has been absolutely vested with the setlee without the settlor reserving any right for cancellation of the document, the settlement deed cannot be unilaterally cancelled and entertaining such a document and registering the same is illegal and *non est* in the eye of law.

5. In view of the above, the unilateral cancellation deed, dated 04.12.2014, is hereby quashed as illegal and *non est* in the eye of law.

6. In the result, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No

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To

WEB COPY

- 1.The Inspector General of Registration,
Santhome, Chennai - 600 004.
- 2.The Joint II Sub Registrar,
O/o.The Joint II Sub Registrar,
Karaikudi,
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N.ANAND VENKATESH, J.

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