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W.P.(MD)NO.19644 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19644 of 2023

Pavunpandian @ Chinna Marimuthupandian

... Petitioner

Vs.

1. The District Registrar,
O/o.the District Registrar Office,
Tenkasi, Tenkasi District.

2. The Sub Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tenkasi District.

3. Muthupandian

4. M.Mahalakshmi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to cancel the unilateral cancellation of the settlement deed dated 03.12.2012 vide in Document No.2313/2012 in the light of order made in WP(MD). No.21895/2021 dated 23.12.2022 by this Court, based on considering the petitioner's representation dated 24.05.2023.



For Petitioner : Mr.V.Muthuvelan
For R-1 & R-2 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-4 : No appearance.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. The prayer made in the writ petition is for setting aside the registration of the unilateral deed of cancellation. The issue raised in this writ petition is no longer *res integra*. The Hon'ble Full Bench of Madras High Court in the decisions reported in ***AIR 2011 Mad 66 (Latif Estate Line India Ltd. and Ors. Vs. Hadeeja Ammal and Ors) and 2022 (5) CTC 257 (Sasikala Vs. The Revenue Divisional Officer)*** had held that the deed of unilateral cancellation cannot be registered.

3. The learned counsel appearing for the petitioner



asserts that between the date of unilateral cancellation and till the date of filing of the writ petition, there has been no creation of any further encumbrance. This statement made by the learned counsel appearing for the petitioner is placed on record. Applying the ratio laid down in the aforesaid Hon'ble Full Bench decisions, the registration effected by the second respondent is set aside. This writ petition stands allowed. No costs.

15.12.2023

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

PMU

To:

1. The District Registrar,
O/o.the District Registrar Office,
Tenkasi, Tenkasi District.
2. The Sub Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tenkasi District.



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G.R.SWAMINATHAN,J.

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