



W.P.(MD) No.20586 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.20586 of 2021

and

W.M.P.(MD) Nos.17229 and 17230 of 2021

Amutha

.. Petitioner

Vs.

1.The District Registrar,
Madurai District.

2.The Sub Registrar,
Chekkanoorani Sub Registrar Office,
Madurai District.

3.Poornam @ Virumaiammal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminating in the registration of the unilateral cancellation deed dated 26.02.2020 bearing document No.521/2020 executed by the 3rd respondent in respect of petitioner's properties comprised in S.Nos.184/19A, 184/19B and 184/19C to an extent of 0.04.5 Ares, 0.04.0 Ares and 0.07.5 Ares totally to an extent of 39 cents



W.P.(MD) No.20586 of 2021

situated at Konngarpuliyamkulam Village, Chekkanoorani, Madurai District, quash the same and consequentially direct the respondents 1 and 2 to make necessary entries in book - I on his file recording such quashing.

For Petitioner : Mr.R.G.Shankar Ganesh
For RR1 & 2 : Mr.A.K.Manikkam
Special Government Pleader
For R3 : No appearance

ORDER

This writ petition has been filed challenging the registration of the cancellation of the settlement deed dated 26.02.2020 as document No. 521/2020 executed by the 3rd respondent and registered on the file of the 2nd respondent.

2. Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader appearing on behalf of respondents 1 and 2. A memo dated 07.12.2023 has been filed by the learned counsel for the 3rd respondent to the effect that they have already handed over the bundle to the 3rd respondent and



W.P.(MD) No.20586 of 2021

given change of vakalath. This memo is recorded and the 3rd respondent has not engaged any other counsel to represent her.

3. The 3rd respondent, who is the mother of the petitioner, had executed a gift/settlement deed dated 15.06.2016, which was registered as Document No.969/2016. By virtue of this settlement deed, the property was settled absolutely in favour of the petitioner. The 3rd respondent did not reserve any right to cancel the document under any circumstances.

4. The grievance of the petitioner is that the 3rd respondent unilaterally cancelled the settlement deed through a cancellation deed dated 26.02.2020. This document was entertained by the 2nd respondent and it was registered as Document No.521/2020. Aggrieved by the same, the present writ petition has been filed before this Court.

5. The issue involved in this writ petition is squarely covered by the earlier order passed by this Court. This Court has categorically held



W.P.(MD) No.20586 of 2021

that once a settlement deed is executed and the settlor has not reserved any right to cancel the settlement deed, the settlor cannot thereafter cancel the settlement deed unilaterally. If any such document is presented, it should not be registered by the Sub Registrar.

6. In the instant case, the 3rd respondent has not reserved any right for herself to cancel the settlement deed and in spite of the same, has proceeded to unilaterally cancel the earlier settlement deed executed in favour of the petitioner on 15.06.2016. The registration of such cancellation deed requires the interference of this Court.

7. In the light of the above, this Writ Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2023

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

ABR



WEB COPY



W.P.(MD) No.20586 of 2021

To

- 1.The District Registrar,
Madurai District.
- 2.The Sub Registrar,
Chekkanoorani Sub Registrar Office,
Madurai District.



WEB COPY



W.P.(MD) No.20586 of 2021

N. ANAND VENKATESH, J.

ABR

W.P.(MD) No.20586 of 2021

Dated : 22.12.2023