



W.P.(MD) No.20903 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.20903 of 2021
and
W.M.P(MD)No.17520 of 2021

1.V.P.Rajendran

2.R.Ramesh

... Petitioners

Vs.

1.The District Registrar,
Office of the Registration Office,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar,
Office of the Sub Registrar,
Aruppukkottai,
Virudhunagar District.

3.Ratnavalli

4.V.P.Rajan

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the unilaterally cancellation of impugned settlement



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deed presented before the second respondent office in vide document No. 1740/2014 dated 16.04.2014 by the third respondent and consequently, the third respondent has executed the impugned settlement deed in favour of the fourth respondent in vide document No.2304/2014 dated 16.05.2014 and quash the same and subsequently, the second respondent to restore in respect of the property comprised in S.No.167/1131 and 1132, Thangasalai Street, Aruppukottai Taluk, Virudhunagar District favour of the petitioner on the basis of the representation dated 12.06.2019 within the time stipulated by this Court.

For Petitioners : Mr.B.Jameel Arasu

For R1 and R2 : Mr.M.Prakash
Additional Government Pleader

For R3 & R4 : No appearance

ORDER

This writ petition is filed for writ of certiorarified mandamus calling for the records pertaining to the unilaterally cancellation of impugned settlement deed presented before the second respondent office vide document No.1740/2014 dated 16.04.2014 by the third respondent and the consequential execution of the impugned settlement deed in



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favour of the fourth respondent vide document No.2304/2014 dated 16.05.2014 and quash the same and subsequently, to direct the second respondent to restore the settlement deed in respect of the property comprised in S.No.167/1131 and 1132, Thangasalai Street, Aruppukottai Taluk, Virudhunagar District in favour of the petitioner on the basis of the representation dated 12.06.2019 within the time stipulated by this Court.

2.The facts in brief proceeding to the filing of the above writ petition are herein below set out:-

It is the case of the petitioner that he is eking out his livelihood as a goldsmith for several years. His mother, namely, the third respondent, was residing with him for so many years and was taking care of her health and other basic necessities. Therefore, out of love and affection, the third respondent had executed a gift settlement deed in his favour and in favour of his son Ramesh in respect of her property situated in Survey No.167/1131 and 1132, Thangasalai Street, Aruppukottai Taluk, Virudhunagar District, under a registered document dated 07.10.2011,



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registered as document No.7236/2011 on the file of the second respondent, in which, it has been clearly mentioned that it has been executed only out of love and affection and without any coercion or inducement. From the date of the execution of the settlement deed, the petitioner has become the absolute owner of the said property.

(ii) Meanwhile, the fourth respondent, who is none other than the brother of the petitioner, had developed animosity, since the property was settled in favour of the petitioner and his son and he started pressuring the third respondent to cancel the gift settlement and to execute a fresh gift settlement in his favour. The third respondent at the instigation of the fourth respondent, filed O.S.No.119 of 2012 before the District Munsif Court, Arupukottai, seeking the relief of cancellation of gift settlement deed, dated 07.10.2011. The petitioner has filed a detailed written statement. Thereafter, the suit came to be dismissed for default on 06.11.2015.

(iii) Totally suppressing the above facts, the third respondent has



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approached the first respondent for cancellation of gift settlement deed.

The first respondent without issuing notice whatsoever, cancelled the gift settlement deed vide Document No.1740/2014 dated 16.04.2014. The petitioner is clueless about this cancellation. Thereafter, the fourth respondent has got the settlement deed executed in his favour on 16.05.2019. Hence, the petitioner has come forward with the above writ petition.

3. Notice has been served on the private respondents, who have not entered appearance.

4. The issue involved in the above writ petition is already covered by a Judgment of the Hon'ble Full Bench of this Court in ***W.P.Nos.6889 of 2020 etc., dated 02.09.2022*** in the case of ***Sasikala Vs The Revenue Divisional Officers and others***, wherein it is held that the Registrar has no jurisdiction to entertain a document unilaterally for cancellation.



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5. Therefore, in the light of the above judgment, this writ petition has to necessarily be allowed and accordingly, this Writ Petition is allowed and the unilaterally cancellation of impugned settlement deed presented before the second respondent Office in vide document No. 1740/2014 dated 16.04.2014 by the third respondent is set aside and consequently, the settlement executed in favour of the fourth respondent dated 16.05.2014 is also set aside. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2023

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

1. The District Registrar,
Office of the Registration Office,
Virudhunagar,
Virudhunagar District.

2. The Sub Registrar,
Office of the Sub Registrar,
Aruppukkottai,
Virudhunagar District.



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P.T.ASHA, J.

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