



**W.P.(MD)Nos.5470 and 13754 of 2015**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 19.09.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)Nos.5470 and 13754 of 2015  
and  
M.P.(MD)No.1 of 2015

**W.P.(MD)No.5470 of 2015:-**

1.J.Roby

2.R.Aniteen Princey

3.R.Ketshibai

... Petitioners

*(P2 and P2 are substituted vide order dated 19.09.2023 in W.M.P.(MD)No.20301 of 2022 in W.P.(MD)No.5470 of 2015 by GRSJ)*

Vs.

1.The District Registrar,  
District Registrar Office,  
Near Lakshmana Marriage Hall,  
Nagercoil, Kanyakumari District.

2.The Sub Registrar,  
Sub Registrar Office,  
Kottaram,  
Kanyakumari District.

3.The Sub Registrar,  
Sub Registrar Office,  
Rajakka Mandapam,



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Kanyakumari District.

4.R.Anetter Alwyn

5.P.D.Daphini Suganya

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, directing the Respondent to declare the forged Settlement deed executed by the Respondent No.4 in favour of the Respondent No.5 dated 28.10.2011 before the Respondent No.2 Registrar Office (Document No.4787) and subsequent forged Settlement Deed executed by the Respondent No.5 in favour of the Respondent No.4 dated 28.09.2012 before the Respondent No.3 office (Document No.2867) in an extent of 9,516 Cents (385.208 Sq.Mts.) Patta No.409, in Re Survey No.H-1-10/10, Neendakarai A Village, Agastheeswram Taluk, Kanyakumari District as null and void and consequently direct the Respondent No.1 to initiate appropriate necessary action against the respondent Nos.4 and 5 within the time stipulated by this Court.

For Petitioners : Mr.S.Rajasekar

For Respondents : Mr.S.RA.Ramachandran,  
Addl. Government Pleader for R1 to R3.  
Mr.N.Dilipkumar for R4.  
Mr.R.G.Shankar Ganesh for R5.

**W.P.(MD)No.13754 of 2015:-**

R.Anitin Princy

... Petitioner



W.P(MD)Nos.5470 and 13754 of 2015

Vs.

- 1.The Inspector General of Registration,  
O/o. the Inspector General of Registration,  
Chennai – 600 028.
- 2.The District Registrar,  
District Registrar Office,  
Near Lakshmana Marriage Hall,  
Nagercoil, Kanyakumari District.
- 3.The Joint Sub Registrar No.1,  
Kanyakumari Sub Registrar Office,  
Kanyakumari, Kanyakumari District.
- 4.P.D.Daphini Suganya
- 5.M/s Reliance Jio Infocomm Limited,  
Rep. by its Authorised Officer,  
P.Muthukannan, Circle Office at A1 Towers,  
No.89-91 Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order No.1838/Aa1/2015 dated 14.05.2015 on the file of the Respondent Nos.1 and 2 to cancel the fraudulent Lease Deed registered in Document No.678/2014 dated 28.02.2014 on the file of the Respondent No.3 in the light of Circular No.67 dated 03.11.2011 within the time frame stipulated by this Court.



**W.P(MD)Nos.5470 and 13754 of 2015**

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.RA.Ramachandran,  
Addl. Government Pleader for R1 to R3.  
Mr.N.Dilipkumar for R4.  
Mr.R.G.Shankar Ganesh for R5.

### **COMMON ORDER**

Heard both sides.

2.It is not in dispute that the property in question originally belonged to J.Roby, the original writ petitioner in W.P.(MD)No.5470 of 2015. Roby executed settlement deed in favour of his son Anetter Allwyn on 04.08.2011. According to Roby, Anetter Allwyn can take the property after the life time of Roby. Since Anetter Allwyn executed settlement deed in favour of his wife P.Daphini Suganya on 28.10.2011, Roby cancelled the settlement deed earlier executed in favour of his son. In the meanwhile, Daphini Suganya, the settlee executed lease agreement in favour Reliance Jio Infocomm Limited. The lease deed was registered by the Join Sub-Registrar – I, Kanyakumari. Seeking its cancellation,



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Roby's daughter moved the District Registrar, Kanyakumari. The District Registrar declined to entertain the said request. Challenging stand of the District Registrar, Anitin Princy / Roby's daughter filed W.P.(MD)No.13754 of 2015.

3.After cancelling the settlement deed executed in favour of his son, Roby executed a settlement deed in favour of his daughter Anitin Princy. Daphini Suganya in whose favour Anetter Allwyn had executed settlement deed reconveyed the property in favour of his husband by another settlement dated 28.09.2012. Now Roby moved the District Registrar, Nagercoil for cancelling the settlement deed executed by his daughter-in-law in favour of his son. Since the District Registrar declined to entertain his request, Roby filed W.P.(MD)No.5470 of 2015 seeking declaration in his favour.

4.Both the writ petitions are based on the unilateral cancellation made by Roby. The Hon'ble Full Bench of the Madras High Court in the decisions reported in *[2011 (2) CTC 1 (M/s.Latif Estate Line India Ltd. Vs. Hadeeja Ammal)]* and *2022 (5) CTC 257 (Sasikala V. Revenue*



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**Divisional Officer-cum-Sub Collector)** had held that such unilateral cancellation is impermissible in law. The learned counsel informs the Court that Anitin Princiya as well as Daphini Suganya filed suits before the jurisdictional Civil Court (O.S.No.151 of 2019 on the file of District Musnif, Kanyakumari and O.S.No.61 of 2018 on the file of District Court, Tirunelveli). The parties will have to necessarily workout their right only before the jurisdictional Civil Court. The Writ Court will not enter into adjudication on facts.

5. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**19.09.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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**19.09.2023**  
(2/2)