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W.P.(MD) No.7671 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Writ Petition (MD) No.7671 of 2015
and M.P.(MD) No.1 of 2015

V.Antony Santhiyagu

.... Petitioner

-Vs-

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

2.The District Registrar
Ramanathapuram, Ramanathapuram District.

3.The Joint Sub Registrar
Velipattinam, Velipattinam Sub Registrar Office
Ramanathapuram District.

4.A.S.Victor

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondents impugned proceedings in Na.Ka.No.2450/1/2014 dated 24.02.2015 in respect of the properties comprised in Survey No.76/1, 78/7 and 78/7A2 bearing Door Nos.17 & 18 in Kalloorani Village, Pattinamkathan Group, Ramanathapuram District and quash the same and consequently declare that the act of the 4th respondent in execution of cancellation of settlement deed dated 20.03.2014 the consequential registration on the file of the 3rd respondent are illegal and further direct the 1st and 2nd respondents to implement the Circular No.67 dated 03.11.2011 declaring that the registration of cancellation of settlement deed is illegal.



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For Petitioner : Mr.R.Murugan
For Respondents : Mr.D.Ganthiraj
Special Government Pleader - for RR 1 to 3
R4 - Served, No appearance

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. Even though the 4th respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

2. The writ petitioner is none other than the son of the 4th respondent. The 4th respondent executed two deeds of settlement in favour of the petitioner gifting the petition mentioned properties. However, they were unilaterally cancelled by the fourth respondent on 20.03.2014. The petitioner thereupon filed W.P.(MD) No.13458 of 2014 for declaring the deeds of cancellation as null and void. The writ petition was disposed of on 18.08.2014 granting liberty to the petitioner to approach the District Registrar, Ramanathapuram by invoking Circular No.67 dated 03.11.2011. Availing the said liberty, the petitioner approached the District Registrar. By the impugned order dated 24.02.2015, the petitioner's appeal was negated and the petitioner was permitted to move the jurisdictional Civil Court. Challenging the said order, the present writ petition came to be filed.



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3. The impugned order passed by the District Registrar cannot be faulted. This is because, Circular No.67 dated 03.11.2011 had already been withdrawn. In fact, the Inspector General of Registration had issued instructions instructing his subordinate authorities to recall the orders passed under the said circular. At the same time, the petitioner cannot be left remediless. This Court in **Latif Estate - Vs- Hadeeja Ammal** reported in **(2011) 2 CTC Page 1** and **Sasikala -Vs- State of Tamil Nadu and Others** reported in **(2022) 7 MLJ Page 1** had held that unilateral cancellation of registered deeds is impermissible in law. Respectfully applying the aforesaid ratio, it is declared that the registration of deeds of cancellation executed by the fourth respondent is illegal. The relief is granted to the petitioner without upsetting the order passed by the second respondent. The writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2023

KST

To

- 1.The Inspector General of Registration
Santhome, Chennai - 600 004.
- 2.The District Registrar
Ramanathapuram, Ramanathapuram District.
- 3.The Joint Sub Registrar
Velipattinam, Velipattinam Sub Registrar Office
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G.R.SWAMINATHAN, J.

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