



WP (MD) No. 4039 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4039 of 2016

and

WMP(MD)No.3625 of 2016

Uma

... Petitioner

Vs

1.The District Registrar,
Department of Registration,
Sivagangai District.

2.The Sub Registrar Joint -II,
Joint -II Sub Registrar Office,
Karaikudi.

3.The Special Officer,
The Karaikudi Co-Operative House Building
Society Limited No.A1321,
Having its registered office at Karaikudi,
Sivagangai District.

4.Kaliyammal

5.A.Radha

[R4 and R5 are impleaded vide order dated
30.03.2023 in WMP(MD)No.6699 of 2023]

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records pertaining to the impugned unilateral cancellation of sale deed executed in Doc.No.65 of 1996 dated 09.01.1996 on the file of the 2nd respondent and quash the same.

For petitioner : Mr.C.Jeyaprakash
For Respondent : Mr.M.Sarangan,
Nos.1 & 2 Additional Government Pleader
For Respondent : Mr.C.Mahadevan
No.3
For Respondent : Mr.M.Solaisamy
No.4

ORDER

The petitioner is a member of the 3rd respondent society has got allotment of a land in Patta No.182A and the land has already been registered in favour of the petitioner's father on 28.08.1995. Thereafter the respondent No.3 without providing any opportunity of hearing to this petitioner's father and without assigning any reason, unilaterally cancelled the document, which was registered in favour of the petitioner's father by way of cancellation deed dated 09.01.1996. The same is challenged in this writ petition.



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2.The learned Additional Government Pleader submits that the Hon'ble Full Bench of this Court in ***Latif Estate Line India Ltd vs Mrs. Hadeeja Ammal*** reported in ***AIR 2011 Mad 66*** has declared unilateral cancellation is invalid.

3.The learned Counsel for the 3rd respondent submits that the petitioner's father was aware of the cancellation deed and has also made a request for allotment of plot in his favour.

4.Admittedly the petitioner's father was allotted a plot in the year 1995 and it was also registered by way of a registered document dated 28.08.1995. Thereafter the document, which was conferred on the petitioner's father, has been unilaterally cancelled without any notice to the petitioner's father. In view of the decision in ***Latif Estate Line India's*** case cited supra, this writ petition is allowed and the impugned order is set aside. No costs. Consequently connected miscellaneous petition is closed.

05.10.2023

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



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B.PUGALENDHI, J.

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