



WP(MD)No.2935 of 2023

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

**DATED : 20.10.2023**

**CORAM**

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

**WP(MD)No.26428 of 2022**

T.Raja

... Petitioner

**v.**

1.The District Registrar,  
Office of the District Registrar,  
Palani, Dindigul District.

2.The Sub Registrar,  
Oddanchatram, Dindigul District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1<sup>st</sup> respondent in Na.Ka.No.4151/A1/2022, dated 06.10.2022 and quash the same and consequently direct the 1st respondent to entertain the application dated 03.10.2022 submitted by the writ petitioner on merits and to declare the Deeds of Cancellation of settlement Deeds executed by the Deceased Mother of writ petitioner registered as Document No.411/2008, 20.02.2008, on the file of the 2<sup>nd</sup> respondent as null and void and not binding upon the petitioner's rights over the lands in Survey No.694/5, measuring 888 square feet and Survey No.694/6A, measuring 720 square feet situated at Palaganuthu Village, Aathur Taluk, Dindigul District.



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For Petitioner : Mr.A.L.Kannan  
For Respondents : Mr.S.Ra.Ramachandran,  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner's mother T.Vellaithai Ammal executed a settlement deed dated 28.01.2008 settling the petition mentioned property in favor of the petitioner. It was registered as Document No.145 of 2008 on the file of the second respondent herein. Subsequently, she executed cancellation deed dated 20.02.2008. It was registered as D.No.411 of 2008. The learned counsel for the petitioner, on instructions, asserts that in respect of the petition mentioned property, no subsequent transactions have been taken place. The petitioner's mother passed away in the year 2008 itself. The petitioner's sister is presently abroad.

3.Now the only question that calls for consideration is whether the second respondent could have registered the unilateral deed of cancellation. The issue is no longer res integra. The legal position has been settled by the Hon'ble Full Bench of the Madras High Court in the decision reported in (2022)



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7 MLJ 1 (***Sasikala vs. The Revenue Divisional Officer, cum Sub***

***Collector, Devakottai and Ors).*** The very exercise of the power of registration by the second respondent was illegal. The registration of the cancellation deed is set aside. This writ petition is allowed. No costs.

**20.10.2023**

Index : Yes / No

Internet : Yes / No

Skm

To

- 1.The District Registrar,  
Office of the District Registrar,  
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- 2.The Sub Registrar,  
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**G.R.SWAMINATHAN, J.**

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