



W.A.No.110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.No.110 of 2023

L.Kaalidhoss

... Appellant

Vs.

1.The Sub-Registrar,
Royapuram,
Chennai – 600 003.

2.L.Muniyandi

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 16.08.2022 in W.P.No.28133 of 2016 on the file of this Court.

For Appellants	:	Mr.K.Surendranath
For R1	:	Mr.B.Vijay Additional Government Pleader
For R2	:	Mr.K.A.Mariappan



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W.A.No.110 of 2023

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge, dated 16.08.2022, in W.P.No.28133 of 2016.

2.In the writ petition, the appellant's father questioned the legality of registration of cancellation deed executed unilaterally by the 2nd respondent. The writ petition was dismissed by the learned Single Judge on the basis of an order passed in a batch of writ petitions in W.P.No.33892 of 2012, etc., dated 06.04.2022. The facts in this case are not in dispute.

3.The 2nd respondent herein, along with one Mr.L.Mariappan, executed a settlement deed, dated 05.05.2005, in favour of Mr.A.Lakshmanan, the father of appellant, and the same was also registered as Doc.No.1380 of 2005 on the file of the Sub-Registrar's Office, Royapuram. Subsequently, Mr.A.Lakshmanan settled the property in favour of the appellant by a subsequent deed dated 11.05.2005. However, the 2nd



W.A.No.110 of 2023

respondent unilaterally cancelled the settlement deed which was dated 05.05.2005 by subsequent deed dated 22.05.2014 registered as Doc.No.1551 of 2014. Aggrieved by the same, the appellant's father filed the writ petition and the same was dismissed, against which, the present Appeal is filed by the appellant.

4.A Full Bench of this Court in ***Sasikala v. Revenue Divisional Officer-cum-Sub-Collector and another*** reported in ***2002 (5) CTC 257*** has held that unilateral cancellation of settlement deed which is irrevocable and which is not conditional, is void in law and that therefore, a writ petition is also maintainable. The Full Bench has categorically distinguished the judgment of Hon'ble Supreme Court in ***Satya Pal Anand Vs. State of Madhya Pradesh and Others*** reported in ***2016 (10) SCC 767***, where, it was held that a writ petition challenging the legality of unilateral cancellation of a document is not maintainable. In view of the judgment of the Full Bench of this Court in ***Sasikala's case***, this Court holds that the unilateral cancellation of the settlement deed in this case, is impermissible in law. Since the cancellation deed itself is void, registration of the same cannot be



W.A.No.110 of 2023

sustained. Therefore, the writ petition has to be allowed.

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5.Accordingly, **this Writ Appeal is allowed** and the order of the learned Single Judge made in W.P.No.28133 of 2016, dated 16.08.2022, is set aside. The writ petition in W.P.No.28133 of 2016 stands allowed. No costs.

(S.S.S.R., J.) (K.R.S., J.)
12.08.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

The Sub-Registrar,
Royapuram,
Chennai – 600 003.



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W.A.No.110 of 2023

S.S. SUNDAR, J.
and
K. RAJASEKAR, J.

mkn

W.A.No.110 of 2023

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