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W.P. No.5031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5031 of 2024

Vijaya

... Petitioner

Vs.

The Sub Registrar

Uthankarai SRO

Krishnagiri District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in Refusal Number/RFL/Uthankarai/11/2024 dated 01.02.2024 and quash the same as illegal and consequently direct the respondent to admit the cancellation of settlement deed presented by the petitioner dated 01.02.2024 for registration.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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This Writ Petition is filed seeking to issue to a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in Refusal Number/RFL/Uthankarai/11/2024 dated 01.02.2024 and quash the same as illegal and consequently direct the respondent to admit the cancellation of settlement deed presented by the petitioner dated 01.02.2024 for registration.

2. The case of the petitioner is that he purchased an agricultural property by way of a registered sale deed as Document No.2770 of 2012 dated 18.06.2021 and was enjoying the same. Thereafter, the petitioner gifted the property to her only daughter Vanjikodi by way of a registered settlement deed in document No.7087 of 2023 dated 27.10.2023 and handed over all the documents relating to the property to her. Thereafter, the daughter of the petitioner, did not take care of the petitioner and her attitude was completely changed which necessitated the petitioner to cancel the settlement gift deed and a document of cancellation dated



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01.02.2024, was presented before the respondent for registration. But the

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same was refused to admit by the respondent. Hence, the present petition is filed challenging the refusal check slip.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader who takes notice for the respondent submitted that the petitioner executed a settlement deed in favour of her daughter and now she wants to cancel the said document unilaterally. Since unilateral cancellation is not permissible, the respondent refused to register the same and issued the refusal check slip. Therefore, there is no illegality or infirmity in the refusal check slip passed by the respondent.

4. Heard and perused the materials available on record.

5. It is seen that the petitioner has executed a settlement deed in favour of her daughter and now she wants to cancel the same unilaterally without the consent of her daughter. The Honourable Supreme Court and this Court, more particular, in the decision of the Supreme Court reported in 2016 (10) SCC 767 (Satya Pal Anand Vs. State of Madhya Pradesh)



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held that unilateral cancellation of a document, is not permissible.

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Therefore, this Court does not find any perversity, infirmity or impunity in the refusal check slip issued by the respondent.

6. Accordingly, this Writ Petition is dismissed at the admission stage itself. No costs.

7. However, the petitioner is at liberty to work out her remedy in the manner known to law.

28.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To
The Sub Registrar
Uthankarai SRO
Krishnagiri District



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P.VELMURUGAN. J.

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