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WP.No.9007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9007 of 2024

N.C.Jayashree

.. Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinampakkam, Chennai – 600 028

2.The District Registrar
Chennai Central
Triplicane, Chennai – 600 005

3.The Sub Registrar
Office of the Sub Registrar
Purasiwalkam, Chennai District

4.N.C.Rajashree

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Registration of Unilateral Cancellation of Settlement Deed Document No.3777 of 2023 dated 08.06.2023 by the 3rd respondent executed by Mrs.C.Lakshmi and quash the same and consequently direct the 3rd respondent to remove the connected entries in the register.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Special Government Pleader



WP.No.9007 of 2024

ORDER

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2. This Court is of the view that the notice to the respondents is not required, since the very act of the third respondent receiving the document and registering the unilateral cancellation is ex facie bad in law in view of the law declared by the Full Bench of this Court in the case of *Sasikala vs. Revenue Divisional Officer cum Sub Collector and another* made in W.P.(MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022.

3. The petitioner's mother executed a settlement deed in favour of the writ petitioner on 02.02.2006. Ever since the date of settlement, the petitioner is the absolute owner and enjoyment of the property. When the matter stood thus, on 08.06.2023, the settlor has registered the cancellation deed unilaterally. According to the writ petitioner, such unilateral cancellation is not valid in the eye of law. Challenging the said registration of unilateral



WP.No.9007 of 2024

cancellation of the settlement deed, this writ petition is filed.

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4. Though the counter has not been filed, the learned Special Government Pleader fairly submitted that the unilateral cancellation of the settlement deed is void ab initio as per the judgment of the full bench of this Court in W.P.(MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022 in the case of *Sasikala vs. Revenue Divisional Officer cum Sub Collector and another*.

5. Heard both sides and perused the materials placed on record. Though the registration of the document would not fall within the ambit of Sections 22-A or 22-B of the Registration Act and 77-A of the said Act, the fact remains that the very unilateral cancellation itself is prohibited under law, in fact, a circular dated 05.10.2007 issued by the Registration Department was already in vogue. The said circular was issued to all by the Deputy Inspector Generals of Registration, District Registrars and Sub Registrar directing them that the deed of cancellation should bear the signature of both the vendor and purchaser. Though that relate to the sale deed, the settlement is also the transfer of the property, *in presenti* like a sale deed. When the circular in this regard require both parties signature, the Sub-Registrar at the time of



WP.No.9007 of 2024

entertaining the document for unilateral cancellation ought to have rejected the said document. The same is not done in this case. As rightly pointed out by the learned Special Government Pleader, the Full Bench has repeatedly held that the unilateral cancellation is void ab initio.

7. Such view of the matter, when the registration of the document itself is held to be void, allowing such document in entry namely the encumbrance will create further confusion in respect of the title of the petitioner. Such view of the matter, this Court is of the view that the unilateral cancellation of the settlement deed dated 08.06.2023 is void ab initio and the same is set aside.

8. Accordingly, the third respondent is directed to remove the connected entries in the encumbrance indicating that the cancellation deed registered on the file is void ab initio.

03.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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WP.No.9007 of 2024

N. SATHISH KUMAR, J.

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03.04.2024