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W.P.No.12222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12222 of 2024

S.Kasinathan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 004.

2.The District Registrar,
District Registration Office,
Collectorate Compound,
State Bank Road,
Coimbatore District. 641 018.

3.The Sub Registrar,
Sub Registrar Office,
Sub Registrar Office Street,
Anaimalai (TK),
Coimbatore District – 642104.

4.Dhanalakshmi

5.Sabarmathi

6.Narmadha

... Respondents



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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 order made in Refusal Check Slip dated 26.03.2024 in RFL/Anaimalai/41/2024 passed by the third respondent and quash the same and consequently, direct the third respondent to register the cancellation deed dated 26.03.2024.

For Petitioner : Mr.K.Kanagendran

For Respondents : Mr.Yogesh Kanadasan, SGP for
R1 to R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made in Refusal Check Slip dated 26.03.2024 in RFL/Anaimalai/41/2024 passed by the third respondent and quash the same and consequently, direct the third respondent to register the cancellation deed dated 26.03.2024.

2. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.



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3. Challenge has been made to the refusal slip issued by the third respondent refusing to register the cancellation document. The case of the petitioner is that he executed a settlement deed in favour of his two daughters with life interest to his wife in the year 2005. However, now, as the daughters are not taking care of the petitioner, he made a cancellation deed to cancel the settlement deed entered in the year 2005. Since the same was refused to be registered by the third respondent, the petitioner is before this Court.

4. At the outset, this Court is of the view that unilateral cancellation of the settlement by executing a cancellation deed is not permissible under law and it is *void ab initio*. Further, the Full Bench of this court in a decision in ***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** has held as follows :

“44. From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble



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Supreme Court in Thota Ganga Laxmi and Ors.- vs. Government of Andhra Pradesh & Ors., reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011(Mad) 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., case, reported in 2022 SCC On-line SC 544 for the following propositions:

(a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be



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cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g)The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest.”

5. In view of the above settled provision of law, unilateral cancellation of the settlement deed is not valid in the eye of law. Hence, the order of the third respondent in refusing to register the unilateral cancellation of the settlement deed does not require interference.

6. Accordingly, I do not find any merits in the case and this Writ Petition is dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

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