



W.P.No.13328 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13328 of 2020

and

W.M.P.No. 16465 of 2020

K. Sekar

...Petitioner

-Vs-

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai – 600 028.
2. The Sub Registrar,
Office of the Sub Registrar,
Thirunavalur,
Villupuram District.
3. Alamelu
4. Ariyamala

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Declaration, to declare that the cancellation deed bearing Document No. 862 of 2015 dated 16.06.2015 on the file of the second respondent is void and non-est in law.

For Petitioner : Mrs.Anukrithi Anand
for K.Sharath Chandran



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For R1 & R2 : Mr.P.Ananda Kumar
Government Advocate

For R3 & R4 : Mr.K.Gajendiran

ORDER

This writ petition is filed for issuance of a writ of Declaration, to declare that the cancellation deed bearing Document No. 862 of 2015 dated 16.06.2015 on the file of the second respondent is void and non-est in law.

2. The case of the petitioner is that the petitioner's father executed a settlement deed in favour of the writ petitioner on 13.03.2014. Ever since the date of settlement, the petitioner is the absolute owner and enjoyment of the property. When the matter stood thus, on 16.06.2015 under Document No. 862 of 2015, 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 cancellation of the settlement deed, this writ petition is filed.

3. Though the counter has not been filed, the learned Government Advocate for respondents 1 and 2 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**



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dated 02.09.2022 in the case of ***Sasikala vs. Revenue Divisional Officer cum Sub Collector and another.***

4. Learned Government Advocate relied upon an order of this Court in the case of ***N.C.Jayashree Vs. The Inspector General of Registration, No.100, Santhome High Road, Pattinampakkam, Chennai – 600 028***, in ***W.P.No.9007 of 2024 dated 03.04.2024***, wherein this Court held as follows:-

“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 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 Government Advocate, the Full Bench



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has repeatedly held that the unilateral cancellation is void ab initio.”

5. Heard both sides and perused the materials available on record.

6. In view of the above submission made by the learned counsel on either side and the ratios laid down by the Full Bench of this Court in ***Sasikala vs. Revenue Divisional Officer cum Sub Collector and another made in W.P.(MD).No. 6889 of 2020 etc., batch cases dated 02.09.2022,*** which was followed by the learned Judge of this Court in ***N.C.Jayashree Vs. The Inspector General of Registration, No.100, Santhome High Road, Pattinampakkam, Chennai – 600 028, in W.P.No.9007 of 2024 dated 03.04.2024,*** this Court is of the considered view that the unilateral cancellation of the settlement deed dated 10.10.2013 is *void ab initio* and the same is set aside.

7. In the result, the writ petition stands allowed. No Cost. Consequently, connected miscellaneous petition is closed.

18.06.2024

nsI

Index:Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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J.SATHYA NARAYANA PRASAD, J.

ns1

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai – 600 028.
2. The Sub Registrar,
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Thirunavalur,
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