



W.P.No.13813 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13813 of 2020

and

W.M.P.No.17176 of 2020

R.Vijayalakshmi

...Petitioner

*** Petitioner recognised as LRS of the deceased third respondent*

-Vs-

1.The District Registrar,
Kancheepuram District.

2.The Joint-I Sub Registrar,
Office of the Sub-Registrar,
Kancheepuram,

3.N.Rajagopala Mudaliar (deceased)

4.R.Thirunavukkarasu

5.R.Murugan

6.R.Selvanayagam

7.S.Arulselvi

...Respondents

***R4 to R7 impleaded as LRS of the deceased third respondent
vide order dated 07.08.2023 made in W.M.P.No.21122 of 2023
in W.P.No.13813 of 2020*

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



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declare that the Deed of Cancellation executed by the third respondent dated 07.05.2015, registered as Doc.No.1337 of 2015 on the file of the second respondent by cancelling the settlement deed dated 22.05.2003 by the third respondent in favour of the petitioner as Doc.No.961 of 2003 on the file of the second respondent herein as null and void and not binding on the petitioner's right over the property being all that piece and parcel of the property bearing Door No.100, Melandai Raja Veethi, 4th Division, Kancheepuram Town and Taluk, Kancheepuram District, comprised in Town Survey No.1870, measuring an extent of 990 Sq.ft., or thereabouts, together with superstructure existing thereon, and pass such further orders.

For Petitioner	:	Mr.K.V.Babu
For R1 & R2	:	Mr.Yogesh Kannadasan Special Government Pleader
For R4 to R7	:	No appearance
For R3	:	Died

ORDER

This writ petition is filed for issuance of a Writ of Declaration, to declare that the Deed of Cancellation executed by the third respondent dated 07.05.2015, registered as Doc.No.1337 of 2015 on the file of the second respondent by cancelling the settlement deed dated 22.05.2003 by the third respondent in favour of the petitioner as Doc.No.961 of 2003 on the file of the second respondent herein as null and void and not binding on the



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petitioner's right over the property being all that piece and parcel of the property bearing Door No.100, Melandai Raja Veethi, 4th Division, Kancheepuram Town and Taluk, Kancheepuram District, comprised in Town Survey No.1870, measuring an extent of 990 Sq.ft., or thereabouts, together with superstructure existing thereon.

2. Learned counsel for the petitioner submitted that the third respondent originally executed a settlement deed dated 22.05.2003 in favour of the petitioner under Doc.No.961 of 2003 in the office of the Joint-I Sub Registrar, Kancheepuram / second respondent herein. The petitioner has transferred the tax records in respect of the said property in her favour and has been enjoying. The third respondent without any right or authority, unilaterally cancelled the settlement deed nearly after 12 years or so, under a Deed of cancellation of settlement deed dated 07.05.2015 registered as Doc.No.1337 of 2015 in the office of the second respondent, which is against public policy. Aggrieved by the same, the petitioner filed this present writ petition seeking to declare the said cancellation deed as null and void.

3. Though the counter has not been filed, the learned Special Government Pleader appearing for respondents 1 and 2 fairly submitted that



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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.***

4. Learned Special Government Pleader 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 present 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



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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.”

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).Nos.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 made 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.

In the result, **the writ petition stands allowed**. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

cda



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Index : Yes/No

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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The District Registrar,
Kancheepuram District.
- 2.The Joint-I Sub Registrar,
Office of the Sub-Registrar,
Kancheepuram,

W.P.No.13813 of 2020

20.06.2024