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WP.No.19778 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19778 of 2020
W.M.P.No.24443 of 2020

Jayanthi

.. Petitioner

Versus

1.The Inspector General of Registration
Registration General of Registration Office
Registration Department
Santhome High Road, Chennai – 600 028

2.The District Registrar
District Registrar Office
Registration Department
Virudhachalam, Cuddalore District

3. The Sub Registrar
Pennadam Registration Office
Pennadam, Cuddalore District

4.S.Pandurangan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the cancellation of the Settlement Deed dated 14.07.2017, vide Document No.1101/2017 unilaterally passed by the 3rd respondent herein and quash the same as being illegal and unsustainable in law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.B.Vijay for R1 to R3

Additional Government Pleader

Mr.B.Ganesha Moorthy for R4

ORDER



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By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition is filed challenging the registration of the cancellation of settlement deed dated 14.07.2017 registered before the third respondent, quash the same.

3. It is the case of the writ petitioner that her father had executed a settlement deed in favour of the writ petitioner before the third respondent on 22.06.2012 by virtue of Doc.No.996/2012. When the matter stood thus, settlor has registered the impugned cancellation of settlement deed dated 14.07.2017 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.

4. Heard both sides and perused the materials placed on record.

5. This Court is of the view that 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*



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made in W.P.(MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022.

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6. Though the counter has not been filed, the learned Additional 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*.

7. 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 Additional Government Pleader, the Full Bench has



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repeatedly held that the unilateral cancellation is void ab initio.

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8. 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 14.07.2017 is void ab initio and the same is set aside.

9. 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. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.

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