



W.P.No.21257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21257 of 2024

A.Purushothaman

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Parangipettai - 608 502.

2.A.Amirtharaj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to cancel the document No.2549 of 2013 dated 11.10.2013 pursuant to the order of this Court made in W.P.No.29050 of 2014 dated 30.03.2022 and to make necessary entries in the revenue records and encumbrances to the said effect.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.Shajahan, Spl.G.P for R1



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the first respondent to cancel the document No.2549 of 2013 dated 11.10.2013 pursuant to the order of this Court made in W.P.No.29050 of 2014 dated 30.03.2022 and to make necessary entries in the revenue records and encumbrances to the said effect.

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

3. It is the case of the petitioner that his father had executed a settlement deed in his favour on 02.03.1994. Pursuant to the same, the petitioner took possession and enjoyment of the subject property. The said settlement deed had been unilaterally cancelled by the father of the petitioner on 11.10.2013. However, the said unilateral cancellation is challenged before this Court in W.P.No.29050 of 2014. By an order dated 30.03.2022, this Court has allowed the said Writ Petition and thereby, set aside the unilateral cancellation made by the father of the petitioner. In the meanwhile, pursuant to the cancellation deed executed by the father,



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another settlement deed was executed in favour of the second respondent.

According to the petitioner, after the orders passed by this Court, the Sub-Registrar has cancelled the cancellation of settlement deed alone. However, the subsequent document has not been cancelled. Hence, the petitioner is before this Court.

4. At the outset, this Court has already cancelled the unilateral cancellation of the settlement deed executed in the year 1994. Therefore, the settlement deed executed on 02.03.1994 and the title already conveyed to the petitioner were automatically restored. Such being the position, any subsequent deed executed later based on the cancellation of the earlier settlement deed, will not convey title to the subsequent settlee. In such view of the matter, mere direction to the authorities will not serve any purpose. Subsequent settlee will not derive any title in view of the earlier settlement deed. Therefore, no direction is required to be passed to the first respondent. However, the petitioner is at liberty to register this order and it will be reflected in the encumbrance certificate.



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N.SATHISH KUMAR, J.

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5. With the above observations, this Writ Petition is disposed of.

No costs.

Index : Yes /No

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Speaking / Non-speaking

Neutral Citation : Yes / No

gsk

To

The Sub Registrar,
Office of the Sub Registrar,
Parangipettai - 608 502.

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