



WEB COPY



W.P.No.25795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.25795 of 2022

R.Jothi

..... Petitioner

-Versus-

The Sub-Registrar,  
Pappireddipatti,  
Dharmapuri – 636905.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records of the respondent pertaining to the check slip dated 16.08.2022 and to quash the same and consequently direct the respondent to register the Sale Deed dated 16.08.2022, in respect of the subject property comprised in Old S.No.205/1B, New S.No.205/1B2D, Bommidi village, Pappireddipatti Taluk, Dharmapuri District.

*For Petitioner* : Mr.P.Valliappan,  
Senior Counsel for  
M/s.P.V. Law Associates  
*For Respondent* : Mr.B.Vijay, AGP



W.P.No.25795 of 2022

## **ORDER**

This writ petition has been filed challenging the refusal check slip dated 16.08.2022 issued by the respondent – Sub Registrar, Pappireddipatti refusing to register the sale deed dated 16.08.2022 which was presented by the petitioner for registration in respect of the property comprised in Old S.No.205/1B, New S.No.205/1B2D situated at Bommmidi Village, Pappireddipatti Taluk, Dharmapuri District and for a consequential direction to the respondent to register the sale deed presented by the petitioner.

2. The case of the petitioner in brief is that he purchased the subject property from one Mandhiboyan through a registered sale deed dated 28.05.2010 and, in turn, he executed a sale deed in favour of one M.Kavitha. When he presented the sale deed for registration, the respondent registering authority refused to register the same on the ground that the settlement deed executed in favour of her vendor was found to be cancelled unilaterally by his daughter (settlor).

3. The fact remains that one Poongodi executed a settlement deed in respect of the subject property on 27.07.1990 in favour of his father, the vendor of the petitioner. After elapse of almost 20 years, it seems that the settlement deed was cancelled unilaterally by the settlor by the deed of cancellation of settlement deed on 24.05.2010, just a few days before the sale in favour of the



W.P.No.25795 of 2022

petitioner i.e., on 28.05.2010. Thereafter, the petitioner sold the subject property to one Kavitha and when he presented the sale deed executed by him for registration, it was refused to be registered on the ground settlement deed under which the vendor of the petitioner acquired title had already been cancelled unilaterally on 24.05.2010.

4. A counter affidavit has been filed by the respondent *inter-alia* contending that settlement made by Poongodi in favour of her father, the vendor of the petitioner had already been cancelled under Doc.No.2102 of 2010. Registration of unilateral cancellation of settlement was in vogue till 28.11.2018. Later on, the Inspector General of Registration issued a circular order in No.52666/C1/2018 dated 29.11.2018 prescribing certain conditions regarding registration of cancellation of settlement deed, particularly, directing not to entertain cancellation deeds unilaterally by one party alone.

5. Heard both sides.

6. Now, the law is well-settled by judgement of a Full Bench of this Court in **Sasikala v. The Revenue Divisional Officer cum Sub Collector, Devakottai [AIR 2022 Mad 323]**.

7. Very recently on 03.04.2024 following the judgement of the Full Bench of this court in the case of **Sasikala [cited supra]**, while dealing with the challenge with regard to registration of unilateral cancellation of settlement deed



W.P.No.25795 of 2022

in the case of **N.C.Jayashree v. The Inspector General of Registration** by

order in W.P.No.9007 of 2024 dated 05.04.2024, this court has held thus:-

“5. Heard both sides and perused the materials placed on record. 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. ....”

Thus, the law on the subject has now been well settled by the Full Bench of this Court by judgement in the case of **Sasikala [cited supra]**.

8. Considering the above factual and legal position on the subject when



W.P.No.25795 of 2022

the cancellation was made by means of a unilateral registration of document by one party to the document alone is not valid in the eye of law and it will not bind on the petitioner. Therefore, the petitioner has every right to deal with the subject property over which he had acquired title by purchase as he wishes as he has absolute title. In such view of the matter, the impugned refusal check slip is liable to be set aside.

9. For the foregoing discussions, the writ petition succeeds and the impugned refusal check slip is set aside.

**In the result,** the writ petition is allowed. The impugned check slip issued by the respondent is set aside and the respondent is directed to register the sale deed with fifteen days from the date of receipt of a copy of this order. No costs.

Index : yes / no  
Neutral Citation : yes / no  
Speaking / Non Speaking Order  
kmk

17..04..2024



*W.P.No.25795 of 2022*

WEB COPY

1.The Sub-Registrar, Pappireddipatti, Dharmapuri – 636905.



WEB COPY



*W.P.No.25795 of 2022*

N.SATHISH KUMAR.J.,

kmk

W.P.No.25795 of 2022

17..04..2024