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W.No.28513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.28513 of 2024
and
WMP.No.31085 of 2024

1. R.Sinthamani
2. R.Anandakumar

...Petitioners

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Combined Registration Complex,
Vepamara Street, Vellapadi, Vellore - 1.
3. The Sub Registrar,
Kaniyampadi, Vellore District.
4. S.Navamani
5. M.Saroja
6. A.Anjali Devi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the representation dated 21.11.2022 of the first respondent and pass appropriate orders in accordance with law and cancelling the proceedings in the registration of the Settlement Cancellation Deed dated 20.07.2009,



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executed and presented by the said late.Periyasamy Gounder, and registered as Document No.1436 of 2009, on the file of the third respondent herein.

For Petitioner : Mr.W.M.Abdul Majeed

For R1 to R3 : Mr.P.Harish
Government Advocate

ORDER

The petitioner herein seeks a direction to the second respondent to consider her representation dated 21.11.2022 and cancel the proceedings of the registration of the settlement cancellation deed dated 20.07.2009.

2. It is the case of the petitioners that the property with an extent of 97.5 in survey No.29/2B situated at No.124, Moonjurpattu Village, Vellore District was settled by her father P.Periyasamy Gounder in favour of the first petitioner under the settlement deed dated 15.10.2007. Thereafter, the petitioners' father without having any right, cancelled the settlement deed executed in favour of the first petitioner and registered the said cancellation deed as Document No. 1436 of 2009 dated 20.07.2009. In the original gift deed, the petitioners' father failed to receive any right to cancel the same. Therefore, it is the case of the



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petitioners that cancellation deed unilaterally executed by the petitioners' father is invalid. Therefore, the petitioner submitted a representation dated 21.11.2022 seeking cancellation of unilateral cancellation deed dated 20.07.2009 and the same has not been considered till date. Therefore, the petitioners are before this Court.

3. Heard both sides and perused the documents enclosed in the typed set of papers.

4. This court is of the opinion that the official respondents have no power to cancel any registered document, in the light of the judgment rendered in ***M.Kathirvel Vs The Inspector General of Registration*** in W.P.Nos.10291 of 2022 and batch. When there is no enabling provision in Registration Act empowering registering authority to cancel registered document, no direction can be issued to official respondents to consider representation of petitioner positively. As such, this court is not inclined to issue any direction to the second respondent to consider the representation submitted by the petitioners. As a general rule, unilateral cancellation of Gift deed is not recognized under law and it is open to petitioners to work out their remedy before Civil Court.



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5. Accordingly, this writ petition stands dismissed. However, it is open to the petitioners to work out their remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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