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W.P.No.30366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30366 of 2024

M.Ramachandran

...Petitioner

Vs.

1. The Sub Registrar,
Alandur Sub-Registrar Office,
15/17, Military Quarters,
Alandur, Chennai - 600 016.
2. R.Thirumalaikumari
3. R.Umamaheshwari
4. R.Gokulnath
5. R.Prabhavathy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip issued by the first respondent in Refusal Slip No.RFL/Alandur/1/2024 dated 18.01.2024 and quash the same as illegal & arbitrary and consequently direct the first respondent S.R.O., Alandur, Chennai to Register the Cancellation of Settlement deed dated 18.01.2024 presented for Registration in Pre-Registration Token Receipt No.TP/170947130/2024 dated 18.01.2024, within a stipulated time as fixed by this Court.



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For Petitioner : Mr.N.Vijaya Basker
for M/s.Law Vision

For R1 : Mr.M.Shahjahan
Special Government Pleader

ORDER

This writ petition is filed challenging the order passed by the first respondent refusing to register the Gift Cancellation Deed presented for registration.

2. By consent of both the learned counsel appearing for the petitioner as well as first respondent, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the subject property originally belongs him and he executed a settlement deed on 11.06.2018 retaining life estate in his favour with vested remainder in favour of his children. According to the petitioner, his children failed to take care of him and therefore, he an application before the Revenue Divisional Officer under the provisions of



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"The Maintenance and Welfare of Parents and Senior Citizens Act." The

Revenue Divisional Officer on considering his application passed an order directing the children of the petitioner to pay a sum of Rs.3,000/- per month. Aggrieved by the same, the petitioner filed an appeal before the appellate authority namely District Collector. The said order was confirmed by the appellate authority. Subsequently, the petitioner filed a writ petition in WP. No. 34137 of 2023 challenging the order passed by the District Collector confirming the Maintenance order passed by the Revenue Divisional Officer. The said writ petition was dismissed as withdrawn based on the settlement between the parties.

4. Now, the petitioner executed a Gift Cancellation Deed, to cancel the gift deed executed by him in favour of the children and presented it for registration. The said gift cancellation deed was refused by the respondents on the ground that unilateral cancellation of gift deed is not permissible. Aggrieved by the same, the petitioner is before this court.

5. The learned counsel appearing for the petitioner vehemently contented that the petitioner's children failed to take care of the petitioner and



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hence, the petitioner was constrained to execute gift cancellation deed and the respondent ought not have refused registration of the same.

6. A perusal of the gift deed executed by the petitioner in favour of his children would indicate that it was executed out of love and affection. Under the gift deed, the petitioner has not retained his right to cancel the gift. Further there is no clause in the gift deed as if it was executed subject to the condition that the settlee shall provide basic amenities and physical needs for the settlor. In such circumstances, the ingredients under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act also not satisfied. Hence the petitioner is not entitled to cancel the document unilaterally. In these circumstances, unilateral cancellation of the gift deed is not permissible since the petitioner has not reserved any right to cancel the gift deed at a later point of time. Therefore, the respondent is right in refusing to register the deed of cancellation on the ground that unilateral cancellation of the gift deed was legally impermissible. I do not find any reason to interfere with the order passed by the respondents.



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WEB COPY 7. Accordingly, this writ petition is dismissed. The dismissal of this writ petition will not come in the way of the petitioner seeking cancellation of the gift deed by way of filing a suit before the Civil Court. No costs.

21.10.2024

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

To

The Sub Registrar,
Alandur Sub-Registrar Office,
15/17, Military Quarters,
Alandur, Chennai - 600 016.



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S. SOUNTHAR, J.

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