



W.P.Nos.32689 and 32691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.Nos.32689 and 32691 of 2024

and

W.M.P.Nos.35520, 35522, 35523 and 35525 of 2024

W.P.No.32689 of 2024

R.Seethalakshmi

... Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.
2. The Deputy Inspector General of Registration
Integrated building for Offices of the
Commercial Taxes and Registration Department,
Fanepet,
Nandanam,
Chennai – 600 035.
3. The District Registrar (Admin),
Chennai South,
Integrated building for Offices of the
Commercial Taxes and Registration Department,
Fanepet,
Nandanam,
Chennai – 600 035.



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4. The Sub-Registrar,
Pallavaram Sub Register Office,
Pallavaram,
Chennai.

5. Habeeb Ammal

6. S.Rabiyabanu

7. Rubina

8. A.S.Abdul Hafeel

9. G.Ramesh Babu

10. S.Murali

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Declaration to declare the Cancellation of Settlement Deed dated 31.01.2014 registered as Doc.No.717/2014 and the subsequent Settlement Deed dated 13.02.2014, registered as Document No.1242/2014; Sale Agreement dated 21.02.2014, registered as Document No.1499/2014; General Power of Attorney dated 28.12.2018, registered as Document No.10554/2018; Sale Agreement dated 14.03.2023 registered as Document No.2629/2023; and Sale Deed dated 27.04.2023 registered as Document No.4255/2023, all on the file of the 4th Respondent.

For Petitioner	: Mr.V.P.Sengottuvel Senior Counsel for M/s.K.R.Nishanth
For R1 to R4	: Mr.M.Shahjahan Special Government Pleader



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5. S.Rabiyabanu

6. Rubina

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the entire records of the impugned order dated 29.12.2022 made in Na.Ka.No.14525/E2/2022 made by the 3rd Respondent and quash the same.



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For Petitioner : Mr.V.P.Sengottuvel
Senior Counsel
for M/s.K.R.Nishanth
For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader

COMMON ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the official Respondents.

2. The brief facts of the case is that the larger extent of vacant lands measuring 32 cents in Sl.No.482/1 at Zamin Pallavaram Village belong to one T.Rangachari, he having purchased the same from Chrome Leather Company Limited, the said T.Rangachari thereafter, sold the property to the 5th Respondent under Registered Sale Deed dated 23.02.1957. From the date of purchase, the 5th Respondent has been in absolute possession and enjoyment of the said property. While so, the 5th Respondent out of love and affection she had for her grand children viz., the 6th and 7th Respondents herein, she had settled Shop Nos.11 and 12 measuring 170 sq.ft. each under a registered Settlement Deed dated 25.07.2012. The possession of the said Shop Nos.11 and 12 were also handed over immediately to 6th and 7th



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Respondents. Thereafter, the 6th and 7th Respondents had orally partitioned the above mentioned property amongst themselves i.e., Shop No.12 was allotted to the 6th Respondent and Shop No.11 was allotted to the 7th Respondent and from the date of the oral partition, the 6th and 7th Respondents have been enjoying the respective properties. In this connection, the 6th and 7th Respondents had approached the Petitioner for arranging the sale of their respective shops viz., Shop No.11 and Shop No.12 and by a registered Sale Deed dated 07.01.2014, Petitioner purchased Shop No.11 from the 7th Respondent which was part of the Settlement Deed dated 25.07.2012. The 6th Respondent had in turn executed a Sale Deed on 11.02.2014 conveying Shop No.12 to the Petitioner.

3. It appears that the 5th Respondent had filed a complaint before the 3rd Respondent on 23.07.2022 seeking to cancel the Sale Deed in respect of Shop No.12.

4. It appears that the 5th Respondent had also canceled the Settlement Deed unilaterally without issuing notice to the Petitioner and therefore, the Petitioner is before this Court challenging the said Order.



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WEB COPY 5. Heard the learned counsel on either side.

6. In the light of the Judgement passed by the Division Bench of this Court in *M.Kathirvel and Others vs. Inspector General of Registration – 2024 (4) CTC 769*, unilateral cancellation has to be set aside. Therefore, the Impugned Order is set aside. Accordingly, the Writ Petition is allowed. Following the Order passed by this Court in W.P.No.32689 of 2024, the connected Writ Petition in W.P.No.32691 of 2024 is also allowed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

05.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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P.T.ASHA, J.

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