



W.A.No.172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.No.172 of 2024

and

C.M.P.No.1016 of 2024

1.B.Perumal

2.P.Vijaya Krishnan

... Appellants

Vs.

1.Minor C.V.Tharane

2.Minor C.V.Naveen Srinivasan

Both represented by their father and
natural guardian P.Venkataraman

3.The Sub Registrar,
Villivakkam Village,
Perambur-Purasawalkam Taluk,
Presently Aminjikarai Taluk,
Chennai.

... Respondents



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Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 13.09.2023 in W.P.No.22773 of 2023 on the file of this Court.

For Appellants : Mr.S.R.Rajagopal, Senior Counsel
for Mr.S.Praveennath

For R1 and R2 : M/s.K.R.Gayathri

For R3 : Mr.B.Vijay
Additional Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge, dated 13.09.2023, in W.P.No.22773 of 2023 filed for quashing the cancellation of settlement deed registered as Doc.No.947 of 2015 dated 13.02.2015.

2.Brief facts that are necessary for the disposal of this Writ Appeal are as follows :

The appellants are respondents 2 and 3 in the writ petition filed by



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respondents 1 and 2 herein. The respondents 1 and 2 are represented by their father and natural guardian. It is not in dispute that the 1st appellant was the absolute owner of the property situated at Plot No.336, New No.10, 19th Street, 'C' Sector, Arignar Anna Nagar Western Extension Scheme, 'W' Block, comprised in R.S.Nos.156/2A Part and 157 Part, Villivakkam Village, Chennai. The 1st appellant admits that he executed a settlement deed, dated 15.12.2014, registered as Doc.No.6157 of 2014, in favour of his two minor grandchildren, who are the writ petitioners in respect of one portion of the property. The remaining half portion of the property was settled in the name of his elder son by way of another settlement deed, dated 15.12.2014, registered as Doc.No.6156 of 2014. It is admitted that the 1st appellant later unilaterally cancelled the settlement deed which was executed in favour of his minor grandchildren, vide cancellation deed dated 13.02.2015 registered as Doc.No.947 of 2015, only on the ground that his second son did not take care of him. When the respondents 1 and 2 came to know about the cancellation of settlement deed, they filed the writ petition in W.P.No.22773 of 2023 and the same was allowed by this Court by relying upon the judgments of the Full Bench of this Court in *M/s.Latif Estate Line*



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India Ltd. v. Mrs.Hadeeja Ammal reported in **2011 (2) CTC 1**, as well as the judgments in **Sasikala v. The Revenue Divisional Officer cum Sub Collector, Devakottai and others** reported in **(2022) 7 MLJ 1**, holding that unilateral cancellation of a sale deed or settlement deed is void and such cancellation can be challenged before this Court in a writ petition.

3.In this case, on going through the settlement deed, it is seen that the settlement deed executed by the 1st appellant in favour of his grandchildren is not a conditional gift, but purely out of love and affection without any expectations. The 1st appellant admits the execution of settlement deeds and acceptance. Even according to the 1st appellant in this case, it is only due to the conduct of his second son, the father of minor children, he wished to cancel the settlement deed. On the admitted facts, the judgments of Full Bench of this Court in the two cases above referred to are squarely applicable to the case on hand and the unilateral cancellation of settlement deed is void and therefore, this Court is unable to interfere with the order of the learned Single Judge.



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4.The above Writ Appeal is, therefore, dismissed.

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5.Since it is admitted that, pursuant to the cancellation of settlement deed in favour of writ petitioners, the 1st appellant has executed another settlement deed, it goes without saying that the subsequent transaction or document is also void and therefore, it is not necessary for the respondents 1 and 2 /writ petitioners to again seek a declaration before the Civil Court as to the validity of such document. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (K.R.S., J.)

04.09.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

The Sub Registrar,
Villivakkam Village,
Perambur-Purasawalkam Taluk,
Presently Aminjikarai Taluk,
Chennai.



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