



W.P.(MD) No.798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.798 2023

N.Mohideen Abdul Kader

...Petitioner

-VS-

1.The Sub-Registrar,
Velipattinam Sub Registrar Office,
Ramanthapuram Registration District,
Ramanathapuram District.

2.Naina Mohamed

3.Raihan Beevi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration, declaring the cancellation deed registered by 1st respondent in Document No. 2874/2004 dated 07.09.2004 as illegal, void and against the provision of Registration Act.

For Petitioner
For R1

: Mr.J.M.Hassanul Bazari
: Mr.K.S.Selva Ganesan
Additional Government Pleader



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ORDER

This writ petition has been filed to declare the cancellation deed dated 07.09.2004 registered with the first respondent as illegal.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the writ petitioner that the second and third respondents are the parents of the petitioner. They have executed the settlement deed in favour of the petitioner on 23.09.2003 and 15.10.2003. Thereafter, they had cancelled the same unilaterally without the knowledge of the petitioner. Hence, the petitioner has filed this writ petition seeking to cancel the said cancellation of the settlement deed.

4.Admittedly, in view of the order of the Full Bench of this court in a decision in ***Sasikala vs. Revenue Divisional Officer cum Sub Collector and another*** made in W.P.(MD).Nos.6889 of 2020 etc., batch



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cases dated 02.09.2022, unilateral cancellation of the settlement by executing a cancellation deed is not permissible under law and it is void *ab initio*.

5.However, the fact remains that the petitioner had approached this Court questioning the cancellation of settlement deed after twenty years of the said cancellation. In the meantime, the subject property were dealt with and certain rights could have been created over the subject property. In such view of the matter, this writ petition has to necessarily fail on account of the delay and latches. Accordingly, this writ petition is dismissed. However, if the petitioner still wants to establish his right, it is always open to him to file an appropriate suit before the competent civil Court. No costs.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:
The Sub-Registrar,
Velipattinam Sub Registrar Office,

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Ramanathapuram District.

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N.SATHISH KUMAR, J.

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