



W.P(MD)No.2414 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2414 of 2023

M.Usha

... Petitioner

Vs.

1.The Sub-Registrar,
O/o. Sub – Registrar Office,
Rajapalayam,
Virudhunagar District.

2.P.G.S.Marthandam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the registration of impugned cancellation deed of the Gift settlement dated 22.06.2012 vide document No.2957/2012 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent to delete the said entry from his file and records.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1.
Mr.S,Ramsundarvijayaraj for R2.



WEB COPY



W.P(MD)No.2414 of 2023

ORDER

Heard both sides.

2.The writ petitioner is the wife of the second respondent. The second respondent executed settlement deed dated 18.12.2009 in favour of the petitioner. It was registered as Document No.6520/2009 on the file of the first respondent. For reasons that are not quite clear, the second respondent cancelled the said settlement deed unilaterally on 26.02.2012. The deed of cancellation was registered as Document No.2957/2012 by the first respondent.

3.It has been repeatedly held that the registering authority will not have jurisdiction to entertain a document of unilateral cancellation. The case on hand is squarely covered by more than one decisions of the Hon'ble Full Bench. The learned counsel for the petitioner drew my attention to the decision of the Hon'ble Full Bench judgment rendered in W.A.Nos.592 and 938 of 2009 (M/s.Latif Estate Line India Limited Vs Mrs.Hadeeja Ammal).

4.Respectfully applying the said ratio, the registration of the impugned gift settlement cancellation deed is quashed and the writ petition is allowed.



W.P(MD)No.2414 of 2023

The second respondent is at liberty to invoke the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against his children. No costs.

21.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

The Sub-Registrar,
O/o. Sub – Registrar Office,
Rajapalayam,
Virudhunagar District.



WEB COPY



W.P(MD)No.2414 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.2414 of 2023

21.02.2024