



W.P(MD)No.3930 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3930 of 2024

and

W.M.P(MD)No.5393 of 2024

Dhan Foundation,
Represented by its Executive Director,
P.Vasimalai.

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Rajakambeeram,
Y.Othakadai,
Madurai.

3.The District Registrar,
District Registrar Office,
Collectorate Campus,
Chennamanyakkanpatti,
Dindigul.

4.The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 3 and 4 herein to discard the reflection of the registered cancellation of settlement deed dated 22.05.2008 vide Doc.No.1613 of 2008 and



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the sale agreement deed dated 03.03.2010 vide Doc.No.779 of 2010 shall not come in the way of entertaining any document with respect to S.No.431/1 to an extent of 0.26.0 Hectares, S.No.431/3 to an extent of 0.05.5 Hectares, S.No.431/4 to an extent of 0.05.5 Hectares, S.No.453/1 to an extent of 0.32.5 Hectares, S.No.431/7 to an extent of 0.67.0 Hectares, S.No.453/7 to an extent of 56 cents, S.No.256/1 to an extent of 98 ½ cents, 256/1 to an extent of 1909 sq.ft including building, S.No.256/1 to an extent of 1890 sq.ft including building, S.No.253/1C2 to an extent of 2071 sq.ft and S.No.253/1C to an extent of 592 sq.ft in Nilakottai Village/Town, Nilakottai Taluk, Dindigul District by considering the petitioner's representation dated 08.11.2023 and pass appropriate orders within the time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali
for Mr.D.Nallathambi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 3 and 4 herein to discard the reflection of the registered cancellation of the settlement deed dated 22.05.2008 vide Doc.No.1613 of 2008 and the sale agreement deed dated 03.03.2010 vide Doc.No.779 of 2010 shall not come in the way of entertaining any document with respect to S.No.431/1 to an extent of 0.26.0 Hectares, S.No.431/3 to an extent of 0.05.5 Hectares, S.No.431/4 to an extent of 0.05.5 Hectares, S.No.453/1 to an extent of 0.32.5 Hectares, S.No.431/7 to an extent of 0.67.0



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Hectares, S.No.453/7 to an extent of 56 cents, S.No.256/1 to an extent of 98 ½ cents, 256/1 to an extent of 1909 sq.ft including building, S.No.256/1 to an extent of 1890 sq.ft including building, S.No.253/1C2 to an extent of 2071 sq.ft and S.No.253/1C to an extent of 592 sq.ft in Nilakottai Village/Town, Nilakottai Taluk, Dindigul District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Originally, the subject properties were owned by one K.S.Subbaiah. Thereafter, he executed a settlement deed dated 27.04.2007 vide Document No.1349 of 2007 in favour of the petitioner's Trust. Subsequently, the settlement deed was unilaterally cancelled by the said Subbaiah by execution of cancellation of settlement deed on 22.05.2008 and the same was registered vide Document No.1613 of 2008. After cancellation of the settlement deed, the said Subbaiah entered into an agreement for sale dated 03.03.2010 with a third party and registered vide Document No.779 of 2010.



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4.Now, the petitioner sought for a direction directing the respondents 3 and 4 to discard the reflection of the registered agreement for sale on the ground that the unilateral cancellation of the settlement deed is non-est in the eye of law. Unless and otherwise the unilateral cancellation of the settlement deed is discarded by the Court of law or authority concerned as void, the registering authority namely, the respondents 3 and 4 cannot discard the registration of unilateral cancellation of the sale deed and subsequent agreement for sale. In view of the above, the direction sought for in this Writ Petition cannot be considered. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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Order made in
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