



W.P.(MD)No.8810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.8810 of 2022

- 1.Sengaiammal (died)
- 2.Chinnasamy
- 3.rajasekaran
- 4.Deepa

... Petitioners

(P1 to P4 are substituted as per the order of this Court dated 17.10.2024 in WMP(MD)No.19634 of 2024.)

/Vs./

- 1.The District Registrar,
Registration Department,
Sivagangai Registration Districts,
Thirupathur Road,
Sivagangai.

- 2.The Sub-Registrar,
Thirupuvanam S.R.O,
Sivagangai District.

- 3.Amirtham
- 4.Rakkammal
- 5.Panju
- 6.Aathimoolam
- 7.Dhanam
- 8.Thangasamy

... Respondents



W.P.(MD)No.8810 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication bearing Na.Ka.No.689/A1/2021 dated 23.02.2021 of the 1st respondent and quash the same and consequently direct the 1st respondent to hold enquiry and consequently make necessary entries classifying the document bearing no. 3765/2015 dated 05.08.2015 as fraudulent and non-est in law.

For Petitioners : Mr.S.Siva Ilayaraja

For Respondents : Mr.S.P.Maharajan (R1 & R2)

Special Government Pleader

Mr.V.Tinupathi (R4 to R8)

No appearance (R3)

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 23.02.2021 thereby rejected the request made by the petitioner to cancel the registration of unilateral cancellation of the settlement deed vide Document No.3633/15 dated 03.08.2015, in respect of the property in S.No.149/1A, 148/6 situated at Nelmudikarai Village, Thirupuvanam Taluk, Sivagangai District.



W.P.(MD)No.8810 of 2022

WEB COPY

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

3. The petitioner, who originally filed this writ petition died and is ranked as first petitioner and the petitioners 2 to 4 have been substituted in place of the deceased first petitioner. The deceased first petitioner is the daughter of the third respondent. Now, the third respondent also died.

4. The third respondent gave birth to the deceased first petitioner and the respondents 4 to 8. She owned the subject property and the same was settled only in favour of the deceased first petitioner, who is being her daughter, by the settlement deed dated 07.05.2013 registered vide document No.3673 of 2013. Thereafter, the settlement deed was unilaterally cancelled by the deceased third respondent on 03.08.2015 by presenting the cancellation of the settlement deed and it was registered vide document No. 3733 of 2015.



W.P.(MD)No.8810 of 2022

WEB COPY

5. Since it is an unilateral cancellation deed of the settlement deed, the deceased first petitioner submitted a representation before the first respondent to cancel the cancellation of the settlement deed. However, the said request was rejected on the ground that the registering authority has no power to cancel any document. Subsequently, the deceased third respondent had executed the settlement deed registered vide document number 3765 of 2015 dated 05.08.2015 in respect of the subject property in favour of all the elder daughters and sons including the deceased first petitioner. Now, the petitioners challenged the order passed by the first respondent dated 23.02.2021 and also subsequent settlement deed executed by the deceased third respondent.

6. The second settlement deed, which is sought to be cancelled, dated 05.08.2015 registered vide document No.3765 of 2015 has already been acted upon and all the settlees are in possession and enjoyment of their respective shares. That apart, the person, who executed the settlement deed dated 05.08.2015 registered vide document No. 3765 of 2015 also died. The deceased first petitioner and the respondents 4 to 8 are the legal heirs of the deceased third respondent. The first petitioner,



W.P.(MD)No.8810 of 2022

who was being the settlee as per the first settlement deed also died. Other petitioners are the legal representatives of the deceased first petitioner.

7. This Court is of the considered view that no purpose will be served, if the unilateral cancellation of the settlement deed dated 03.08.2015 registered vide document No. 3733 of 2015 is declared as void. If at all any grievance over the shares allotted as per the subsequent settlement deed, the petitioners can very well go before the civil Court for appropriate relief. Accordingly, this writ petition is disposed of. No costs.

14.11.2024

Index : Yes / No
NCC : Yes / No
Sm

TO:-

- 1.The District Registrar,
Registration Department,
Sivagangai Registration Districts,
Thirupathur Road, Sivagangai.
- 2.The Sub-Registrar,
Thirupuvanam S.R.O,
Sivagangai District.



WEB COPY



W.P.(MD)No.8810 of 2022

G.K.ILANTHIRAIYAN, J.

Sm

Order made in
W.P.(MD)No.8810 of 2022

Dated:
14.11.2024