



WP(MD). No.8645 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.8645 of 2019 and
WMP(MD) No.6735 of 2019**

S.U.Vijayaraman

... Petitioner

Vs

1. The Sub Registrar,
Batlagundu, Dindigul District.

2. Mrs.U.Rajeshwari,
W/o.Late. S.Uliyappan, G.Kalluppatti,
Genguvarpatti Village, Periyakulam Tk,
Theni District.

... Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the unilaterally executed cancellation deed dated 10.05.2011 registered as Doc.No. 1989/11 on the file of the 1st respondent and quash the same in so far as the properties settled in petitioners favour in and by the settlement Deed dated 02.12.2009 registered as document No. 4847/2009 in the office of the 1st respondent is concerned and consequently direct the 1st respondent to register the order of quashing the aforesaid deed viz, cancellation deed dated 10.05.2011 registered as Document No.1989/2011 on the file of the first respondent in respect of the said properties.



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For Petitioner : Mr.AK.Gopalan
For Respondents : Mr.M.Siddharthan for R1
Additional Government Pleader
Mr.V.Sasikumar for R2

ORDER

The petitioner has filed this writ petition challenging the unilateral cancellation deed registered by the 2nd respondent on 10.05.2011. The 2nd respondent is the mother of the petitioner. She has executed a settlement deed in favour of the petitioner on 02.12.2009 and registered as document no.4847/2009 on the file of the 1st respondent. According to the petitioner, the said deed is irrevocable settlement deed. The petitioner is enjoying the property on the basis of the said deed. The petitioner has also executed a mortgage deed based on the settlement. When the matter stood thus, the second respondent cancelled the settlement deed on 10.05.2011 and registered as Doc.No.1989/2011. Hence, it is his case that unilateral cancellation cannot be maintainable.

2. This Court has elaborately considered the issue of unilateral cancellation and the Full Bench of this Court in the case of *Sasikala vs. Revenue Divisional Officer cum Sub Collector and another* made in W.P. (MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022 and also in



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the case of *Latif Estates v Hadeeja Ammal reported in (2011) 2 Mad LJ*

569 held that unilateral cancellation of settlement of sale deed is not permissible. However the fact remains that in this case the subject matter of the property and settlement is a subject matter of the suit in OS No. 10/2010 on the file of the Sub Court, Periyakulam, wherein, defence has been taken by the petitioner claiming right over the property on the basis of the settlement deed. After contest, the civil Court has also found that settlement executed in favour of the petitioner has not been acted upon and the finding has attained finality and no appeal is pending. Since the civil Court has already held that settlement has not been acted upon, now no purpose would be served to set aside the cancellation deed. In such view of the matter, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

22.08.2024

Index : Yes/No
NCC : Yes/No
RR

TO

1. The Sub Registrar,
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N.SATHISH KUMAR,J

RR

**ORDER
IN
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