



W.P.(MD)Nos.8705 of 2019, 24301 and 24474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **24.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.8705 of 2019, 24301 and 24474 of 2024

and

W.M.P(MD).Nos.6768, 6769 of 2019, 20566 and 20800 of 2024

W.P(MD).No.8705 of 2024

Jesikala

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Tirunelveli District.

2.The Sub Registrar,
Valliyoor,
Tirunelveli District.

3.Lalithabai

4.Y.Muthiah

5.M.Raja Jesudoss

6.Evangelin Geetha

... Respondents

(R4 to 6 are impleaded vide Court order dated 24.10.2024 in W.M.P(MD).No.15898 of 2022 in W.P(MD).No.8705 of 2019)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



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records relating to the impugned order of unilateral cancellation of the settlement deed Doc.No.3076/2013 dated 12.09.2013 by the second respondent and quash the same as illegal.

For Petitioner : Mr.V.P.Rajan
For Respondents : Mr.C.Satheesh (for R1& R2)
Government Advocate
Mr.P.Ganapathi (for R3)
Mr.H.Arumugam (for R4 to R6)

W.P(MD).No.20566 of 2024

Evangelin Geetha

... Petitioner

Vs.

1.The Sub Registrar,
Valliyoor, Tirunelveli District.

2.Y.Muthiah
3.Raja Jesudhas
4.Jesikala

... 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 impugned registration of unilateral cancellation of settlement deed in Doc.No.3077/2013 dated 12.09.2013 and quash the same and consequently direct the first respondent to make entry of encumbrance regarding the same in Book No.1 of his office.

For Petitioner : Mr.V.S.Rishikesh



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For Respondents : Mr.C.Satheesh (for R1)
Government Advocate

W.P(MD).No.24474 of 2024

Raja Jesudhas

... Petitioner

Vs.

1.The Sub Registrar,
Valliyoor, Tirunelveli District.

2.Y.Muthiah

3.Evangelin Geetha

4.Jesikala

... 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 impugned registration of unilateral cancellation of settlement deed in Doc.No.3078/2013 dated 12.09.2013 and quash the same and consequently, direct the first respondent to make entry of encumbrance regarding the same in Book No.1 of his office.

For Petitioner : Mr.P.P.Alwin Balan

For Respondents : Mr.C.Satheesh (for R1)
Government Advocate

COMMON ORDER

These writ petitions have been filed against the unilateral cancelation of the settlement deed executed by one Lalithabai, who is the mother of the petitioners herein.



2. The case of the petitioners is that their mother executed a settlement deed vide Doc Nos.6128, 6129 and 6130 of 2011 on the file of the second respondent in respect of the subject property. Thereafter, she has unilaterally cancelled the same on 12.09.2013 by registering the cancellation deed vide Doc.Nos.3076, 3077 and 3078 of 2013. Challenging the same, these writ petitions have been filed.

3. Heard both sides.

4. At the outset, this Court is of the view that unilateral cancellation of the settlement by executing a cancellation deed is not permissible under law and it is void ab initio. Further, 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 cases dated 02.09.2022 has held as follows :

*“44. From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon-ble Supreme Court in **Thota Ganga Laxmi and Ors. vs. Government of Andhra Pradesh & Ors.**, reported in (2010) 15 SCC 207 and the Full Bench of this Court in **Latif Estate Line India Ltd., case,***



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reported in AIR 2011(Mad) 66 and inclined to follow the judgment of three member Bench of Hon-ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon-ble Supreme Court in Asset Reconstruction Company (India) Ltd., case, reported in 2022 SCC On-line SC 544 for the following propositions:

(a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para



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42 of this judgment.

(g)The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest.?”

5. In view of the above settled provision of law, unilateral cancellation of the settlement deed is not valid in the eye of law. Hence, the unilateral cancellation of the settlement deed is liable to be set aside.

6. Accordingly, these Writ Petitions are **allowed** and the unilateral cancellation of the Settlement Deeds in Doc.Nos.3076, 3077 and 3078 of 2013, dated 12.09.2013, on the file of the Sub Registrar, Valliyoor, is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
Rmk



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To
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- 1.The District Registrar,
Registration Department,
Tirunelveli District.
- 2.The Sub Registrar,
Valliyoor,
Tirunelveli District.



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N.SATHISH KUMAR, J.

Rmk

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