



W.P(MD).No.15153 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.15153 of 2023

Baskaran

... Petitioner

Vs.,

1.The Deputy Inspector General of Registration,
Tiruchirappalli Zone,
Tiruchirappalli.

2.The District Registrar,
Ariyalur District,
Ariyalur.

3.The Sub Registrar,
Pullambadi,
Tiruchirappalli District.

4.N.Ravichandran

5.S.Lakshmi

6.S.Geetha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the third respondent to cancel the unilateral cancellation deeds dated 24.04.2006 and 02.05.2006 registered in Doc No. 592/2006 & 593/2006 on the file of the third respondent and further to direct the third respondent to remove the entries of unilateral cancellation of settlement deed



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in Document NO.592/2006 & 593 of 2006 in the encumbrance certificate of the properties measuring to an extent of 6.34 acres, comprised in Survey Nos.67/1, 76/2, 76/3A situated at Sangethi Village, Trichy District and the property including the house measuring to an extent of 2274 sq.ft comprised in Survey No.14/3B situated at Anna Nagar, Pullampadi South, Trichy District.

For Petitioner : Mr.T.Leninkumar
For Respondents : Mr.P.Subbaraj
Special Government Pleader (for R1 to R3)
Mr.R.Sundar (for R4)

ORDER

This writ petition has been filed seeking direction to the registering authority to cancel the unilateral cancellation deeds dated 24.04.2006 and 02.05.2006 registered in Doc No.592/2006 & 593/2006 on the file of the third respondent.

2. It is the case of the writ petitioner that his parents have executed two settlement deeds in his favour in respect of the subject property on 02.07.2004 and 09.08.2004. According to him, he is in possession and enjoyment of the subject property. However, in the year 2006, those documents have been cancelled by unilateral cancellation deeds. Therefore, the petitioner seeks to cancel such unilateral cancellation deeds.



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3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is the view that if the petitioner have come immediately challenging such unilateral cancelation deeds, this Court straight away would have allowed the writ petition taking note of the fact that unilateral cancellation is not valid in the eye of law, which has been clearly held by the Hon'ble 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. However, in view of the long delay and taking note of the fact that rights would have been already accrued to others, this Court is not inclined to allow this writ petition. Whether the petitioner or the third party has perfected their title by way of adverse possession can be looked into by the civil Court. Hence, liberty is granted to the petitioner to approach the civil Court.

4. In view of the above observation, the Writ Petition is dismissed. No costs.

09.09.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

- 1.The Deputy Inspector General of Registration,
Tiruchirappalli Zone,
Tiruchirappalli.
- 2.The District Registrar,
Ariyalur District,
Ariyalur.
- 3.The Sub Registrar,
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