



W.P(MD).No.19900 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.19900 of 2019
and
W.M.P(MD).No.16398 of 2019**

Minor S.Krithick

... Petitioner

Vs.,

1.The Sub-Registrar,
Madurai IV Joint Sub Registrar Office,
V.M.R.Complex,
Vasanthanagar, Palanganatham,
Madurai 625 003.

2.K.Ayyanar ... Respondents
(cause title amended vide order dated 17.10.2019 made in W.M.P(MD)>no.18696
of 2019 in W.P(MD).No.19900 of 2019 by MSJ)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned unilateral gift cancellation deed dated 10.10.2014 registered as Doc No.9646 of 2014 and quash the same as illegal and further direct the first respondent to delete the entries that reflects the aforesaid document from Book No.1 and index register maintained by the first respondent.



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For Petitioner : Mr.M.Kannan
For Respondents : Mr.M.Siddarthan (for R1)
Special Government Pleader
Mr.R.Narayanan (for R2)

ORDER

Challenging the unilateral cancellation of gift settlement deed executed by the second respondent in favour of the petitioner/Minor on 03.08.2009, which has been cancelled on 10.10.2014, this writ petition has been filed.

2. The second respondent, who is the grandfather of the petitioner, has executed a registered gift settlement deed in favour of the petitioner on 03.08.2009 in Doc.No.6902 of 2009, before the first respondent. After five years of execution, the unilateral cancellation was made on 10.10.2014. It is the only contention of the second respondent before this Court that after execution of the said deed, the petitioner's father has thrown away the second respondent from the house and now, he is residing somewhere else. Therefore, the second respondent decided to cancel the gift deed.

3. Since the issue is squarely covered by the decision of Hon'ble Full Benches of this Court in the case of *Sasikala vs. Revenue Divisional Officer cum*



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Sub Collector and another made in **W.P.(MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022** and also in the case of ***Latif Estates v Hadeeja Ammal*** reported in (2011) 2 Mad LJ 569, wherein it has been held that unilateral cancellation of settlement or sale deed not permissible.

4. In view of the above law, the cancellation of unilateral gift settlement deed registered by the first respondent in Doc.No.9646 of 2014 dated 10.10.2014 cannot be sustained in the eye of law. Accordingly, the same is quashed and it is for the second respondent to workout his remedy in an appropriate manner before the competent civil court. No costs. Consequently, connected Miscellaneous Petition is closed.

14.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
The Sub-Registrar,
Madurai IV Joint Sub Registrar Office,
V.M.R.Complex,
Vasanthanagar, Palanganatham,
Madurai 625 003
Madurai District.



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N.SATHISH KUMAR, J.

Rmk

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