



W.P.(MD)No.21132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.21132 of 2022

and

W.M.P.(MD).Nos.15339 & 15340 of 2022

Gunasundari

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Sub Registrar,
Andipatti Sub Registrar Office,
Andipatti.

3.M.Rengaraj

4.Selvarani

5.Madasamy

... Respondents

(Accused Nos.4 and 5 are impleaded vide order of this Court dated 15.10.2024 in W.M.P.(MD).No.19401 of 2024 in W.P.(MD).No.21132 of 2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare that the impugned deed of cancellation dated 19.11.2015 registered as D.No.5529/2015 on the file of the second respondent as null and void and non-est in law and consequently direct



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the second respondent to expunge the entry from the register by cancelling unilateral cancellation D.No.5529/2015, dated 19.11.2015 and restore status quo ante in respect of settlement deed D.No.6039/2014, dated 24.12.2014.

For Petitioner : Mr.T.Selvan

For R-1 & R-2 : Mr.S.P.Maharajan,
Special Government Pleader

For R-3 to R-5 : No Appearance

ORDER

This Writ Petition has been filed seeking to declare that the deed of cancellation dated 19.11.2015 registered as Doc. No.5529/2015 as null and void and non-est in law.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondent Nos.1 and 2.

3. Though notice has been served to respondent Nos.3 to 5, none appears on behalf of respondents Nos.3 to 5 either through counsel or by person.



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4. The subject property was purchased by the third respondent, who is the brother of the petitioner, vide registered sale deed in Document No.5743 of 2011, dated 02.09.2011. Subsequently, the third respondent had executed a gift settlement deed in favour of the petitioner in respect of the subject property on 24.12.2014 vide Document No.6039 of 2014. However, subsequently on 19.11.2015, the third respondent had unilaterally cancelled the said settlement deed without the knowledge of the petitioner before the second respondent and the same was registered vide Document No.5529 of 2015. In order to forfeit and deceive the property of the petitioner, the third respondent had created the above said document. In turn, the third respondent had executed a settlement deed in favour of the fourth respondent, who is the son of the third respondent and thereafter, the fourth respondent has executed a settlement deed dated 01.03.2024 vide Document No.1366/2024 in favour of the fifth respondent in order to create encumbrance over the subject property.

5. The only ground raised by the petitioner is that the cancellation of deed can be done only by the competent Civil Court and it can be cancelled with consent of both parties. The petitioner seeks to declare the impugned deed as null and void as per the order passed by the Division Bench of this Court in the case of *Sasikala Vs. the Revenue Divisional Officer, Sivagangai District and Others* reported in (2022) 7 MLJ 1.



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6. In view of the above, the unilateral cancellation of the settlement deed dated 19.11.2015 vide Document No.5529/2015 cannot be sustained and it is liable to be declared as null and void. It is also made clear that the settlement deeds executed by the third respondent as well as the fourth respondent are non-existent in the eye of law. The second respondent is directed to make entry in the book of records that declaration of cancellation of settlement deed as null and void.

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

12.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Sub Registrar,
Andipatti Sub Registrar Office,
Andipatti.

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