



WP(MD). No.22319 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 15/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.22319 of 2024 and
WMP(MD) Nos.18896 and 18899 of 2024
and WP(MD) Nos.21921 and 21922 of 2024**

S.Amudha

... Petitioner in
all WPs.

2.T.Draviya Doss

... Petitioner in
WP Nos.21921&21922/2024

Vs

1. The Sub Registrar,
Gangaikondan,
Tirunelveli..

... Respondent in
all WPs.

2. S.Mark,
S/o.T.Draviya Doss,
No.71, Church Stree,
Duraiyur Village,
Gangaikondan Post,
Tirunelveli..

... Respondent in
WP No.22319/2024

PRAYER in WP(MD) No.22319/2024:- Writ Petition filed under
Article 226 of the Constitution of India, praying this Court to issue a



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Writ of Certiorarified Mandamus call for the records from the office of the 1st respondent with respect to the impugned registration of the unilateral cancellation of settlement deeds in Doc.in1328/2014 and 1329/2014 dated 11.07.2014 by the 1st respondent and quash the same and consequently direct the 1st respondent to remove the entry of encumbrance regarding the said document in Book No.1 of his office.

PRAYER in WP(MD) Nos.21921and 21922/2024:- Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writs of Certiorarified Mandamus calling for the records relating to the impugned refusal check slips in RFL/GangaiKondan/71/2024 dated 19.08.2024 and quash the same and consequently direct the respondent to register the document and release the same within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.P.Subbaraj for R1
Special Government Pleader
No appearance for R2

COMMON ORDER

Since all these writ petitions are interconnected, they were heard together and disposed of by this common order.



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2. It is the case of the petitioners that the first petitioner's mother has executed two settlement deeds on 25.06.2013 in favour of the 1st petitioner. Pursuant to the settlement deed, mutation has also taken place in favour of the 1st petitioner and revenue records have also been changed and till date, it stands in the name of the 1st petitioner. The 1st petitioner has also sold 5 cents on 11.07.2014. After the sale of 5 cents by her, at the instance of the respondent No.2, her mother has unilaterally cancelled the settlement deed on the same day, ie., on 11.07.2014, which was registered as document Nos.1328 and 1329 respectively. Challenging the said unilateral cancellation, WP No.22319/2024 has been filed.

3. The other two writ petitions have been filed challenging the refusal check slip dated 19.08.2024, where under, when the petitioners presented documents for registration, the same have been refused to be registered on the ground that the mother has cancelled the settlement executed in favour of the 1st petitioner.

4. Though notice was served on the 2nd respondent, the same has been refused to be received by him. The very conduct of the 2nd



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respondent in refusing to receive the notice itself indicate that he is not interested to appear before this Court.

5. Be that as it may. As far as the law with regard to unilateral cancellation is concerned, it is well settled that once the document is executed, title passes immediately and transfer is totally complete and the transferor has no right whatsoever. Therefore, the transferor executing unilateral cancellation will not arise at all.

6. It is the main contention of the learned counsel for the petitioner that the revenue records stand in the name of the petitioners and the unilateral cancellation came to light when the partition suit is filed by the petitioners.

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



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569 held that unilateral cancellation of settlement of sale deed is not permissible.

8. Therefore, the unilateral cancellation dated 11.07.2014 registered by the Sub Registrar stands quashed.

9. In view of the order passed in WP(MD) No.22319/2024, the refusal check slips issued by the Sub Registrar stand quashed and the very cancellation of settlement deed executed in favour of the first petitioner is not valid in the eye of law. Accordingly, the writ petitions are allowed and the respondent authority is directed to register the document within a period of one week from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petitions are closed.

15.10.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The Sub Registrar,
Gangaikondan, Tirunelveli..



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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) Nos.22319, 21921 and 21922 of 2024**

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