



W.P.(MD) No.24800 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24800 of 2016

and

W.M.P.(MD) Nos.17941 and 17942 of 2016

Radhakrishnan

.. Petitioner

Vs.

1.The Sub-Registrar,
Aruppukottai,
Virudhunagar District.

2.Kalusuvalingam

3.Senthamilselvan

4.Sundarrajan

5.Rajeswari

6.Sundara Anandavalli

7.Jeyamani

8.Shenbagarathinam

9.Muthulakshmi

10.Rajesh Kanna

11.Suriya

12.Dhanalakshmi



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13.Hemalatha

14.Karthick Raja

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned cancellation settlement deed dated 13.03.2012 in Doc.No.1870/2012 on the file of the 1st respondent in respect of the property in House bearing Old Door No.25-26, New Door No.4-7-26, Ward No.4, Survey No.65/5A situated in Aruppukottai Twon, Virudhunagar District and quash the same.

For Petitioner : Mr.V.Sasi Kumar

For R1 : Mr.M.Sarangan
Additional Government Pleader

For R2 to R6 &
R9 to R13 : Mr.S.J.Chakkaravarthy

For R8 & R14 : No appearance

ORDER

Heard Mr.V.Sasi Kumar, learned counsel for the petitioner, Mr.M.Sarangan, learned Additional Government Pleader appearing for the first respondent and Mr.S.J.Chakkaravarthy, learned counsel appearing for respondents 2 to 6 and 9 to 13.



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2. This Writ Petition has been filed seeking to quash the cancellation of settlement deed dated 13.03.2012 in Document No. 1870/2012 on the file of the first respondent in respect of the property in House bearing Old Door No.25-26, New Door No.4-7-26, Ward No.4, Survey No.65/5A situated in Aruppukottai Town, Virudhunagar District.

3. The issue involved in this Writ Petition is no more *res integra*. A Full Bench of this Court has elaborately considered the issue of unilateral cancellation in the case of ***Sasikala and another Vs. The Revenue Divisional Officer cum Sub Collector, Sivagangai and others*** reported in ***2022 (5) CTC 257*** and held that unilateral cancellation of settlement of sale deed is not permissible.

4. 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 and accordingly, the impugned Settlement Cancellation Deed dated 13.03.2012 is set aside. It is for the parties to establish their stand over



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the properties in a proper civil suit. The Sub-Registrar is directed to mark an entry with regard to the order passed in this Writ Petition.

5. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Sub-Registrar,
Aruppukottai,
Virudhunagar District.



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K.KUMARESH BABU, J.

abr

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Dated: 04.12.2024