



W.P.(MD)No.25691 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.25691 of 2024

Selvam

... Petitioner

Vs.

1.The Inspector of Police,
O/o. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
O/o. The District Registrar,
Pudukkottai,
Pudukkottai District.

3.The Sub Registrar,
Joint Sub Registrar Office,
Pudukkottai,
Pudukkottai District.

4.Machap

5.K.Suppiah

6.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the Deed for



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cancellation of gift deed in Document No.5591 of 2007, dated 31.12.2007 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.MJ.Ameer Hussain

For R-1 to R-3 : Mr.M.Sarangan,
Additional Government Pleader

For R-4 to R-6 : Unserved

ORDER

This Writ Petition has been filed challenging the deed of cancellation of gift deed in Document No.5591 of 2007, dated 31.12.2007 on the file of the third respondent.

2. Though notice has been served to respondent Nos.4 to 6, none appears on behalf of them.

3. Heard the learned counsel on either side and perused the materials available on records.



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4. The petitioner's grandmother had executed a settlement deed in favour of the petitioner vide Document No.2717 of 2006 in respect of the property situated in Ward No.37, T.S.No.5975 at Pudukkottai Town and Municipality, Pudukkottai District to an extent of 2891 square feet. Immediately, after the execution of settlement deed, it was acted upon and the petitioner is in possession and enjoyment of the subject property. The petitioner's grandfather is a resident of Malaysia and he passed away on 10.07.1990 leaving behind the petitioner's grandmother and respondent Nos.4 to 6 herein as legal heirs. Thereafter, the petitioner's grandmother also passed away on 19.02.2015. When the petitioner approached the Bank to avail loan by mortgaging the subject property, he obtained the encumbrance certificate. The said encumbrance certificate revealed that the settlement deed executed in favour of the petitioner was already cancelled unilaterally by his grandmother on 31.12.2007.

5. On perusal of the cancellation of the settlement deed dated 31.12.2007, it is seen that the cancellation of the settlement deed was executed by the petitioner's grandmother unilaterally and the same was presented for registration. He got registered vide Document No.5591 of 2007, dated 31.12.2007, on the file of the third respondent. The petitioner seeks to quash the deed as per the order passed by the Division Bench of this Court in the case



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of *Sasikala Vs. the Revenue Divisional Officer, Sivagangai District and*

Others reported in (2022) 7 MLJ 1.

6. In view of the above Judgment, it is seen that the judgment is squarely applicable to the case on hand, since the settlement deed executed in favour of the petitioner was unilaterally cancelled without any notice and without giving any opportunity to the petitioner.

7. That apart, the petitioner also submits the property tax receipts and other receipts to show that the petitioner is in possession and enjoyment of the subject property from the date of execution of the settlement deed till today.

8. In view of the above, the deed of cancellation of gift deed in Document No.5591 of 2007, dated 31.12.2007 on the file of the third respondent cannot be sustained and it is liable to be quashed.

9. Accordingly, the deed of cancellation of gift deed in Document No. 5591 of 2007, dated 31.12.2007 on the file of the third respondent is hereby quashed and and it is hereby declared as null and void. It is also made clear that the cancellation of gift deed on the file of the third respondent is non-est in the eye of law.



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WEB COPY 10. Accordingly, the Writ Petition stands allowed. No costs.

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

- 1.The Inspector of Police,
O/o. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar,
O/o. The District Registrar,
Pudukkottai,
Pudukkottai District.
- 3.The Sub Registrar,
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TSG

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