



W.P.(MD).No.10674 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.10674 of 2017

and

W.M.P.(MD)No.8140 of 2017

C.Vaikundasekar

...Petitioner

1.The Joint Sub Registrar – II,
(Kanyakumari) Nagercoil.

2.C.Jayakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the registration of the Settlement Cancellation Deed dated 26.12.2014, executed and presented by the second respondent, and registered as Document No.3861 of 2014, on the file of the first respondent herein and to quash the same and consequently to direct the first respondent to delete the registration No. 3861 of 2014, on his file pertaining to the cancellation deed dated 26.12.2014 from his books, within a time frame as may be fixed by this Court.



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For Petitioner : Ms.P.Jessi Jeeva Priya
For R-1 : Mr.S.P.Maharajan
Special Government Pleader
For R-2 : A.Sivaji

ORDER

Heard Ms.P.Jessi Jeeva Priya, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Advocate for the first respondent and Mr.A.Sivaji, learned counsel for the second respondent.

2. This Writ Petition has been filed seeking to quash the Settlement Cancellation Deed dated 26.12.2014, executed and presented by the second respondent, and registered as Document No.3861 of 2014, on the file of the first respondent herein and to consequently direct the first respondent to delete the registration No.3861 of 2014, on his file pertaining to the cancellation deed dated 26.12.2014 from his books.

3. The issue involves in this Writ Petition is no more *res integra*. 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 Office cum Sub Collector and another made in W.P.***



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(MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022 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 26.12.2014 is set aside. It is for the parties to establish their stand over 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.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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K.KUMARESH BABU, J.

Nsr

To:

The Joint Sub Registrar – II,
(Kanyakumari) Nagercoil.

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