



W.P.(MD).No.22747 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.22747 of 2017

and

W.M.P.(MD)No.19061 of 2017

K.Marirathinam @ Arumugasamy Naicker

...Petitioner

Vs

1.The Inspector General of Registrations,
Registration Office Santhome,
Chennai – 04.

2.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.

3.The Sub Registrar,
Periyakulam II,
Sub Registrar Office, Periyakulam,
Theni District.

4.Samidhurai alias Somasundara
Venkatesa Gowmari
Kadhirvelsamy Naicker

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the third



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respondent to cancel the cancellation deed bearing No.18 of 2017 of 18.08.2017 thereby restoring the release deed executed by the fourth respondent bearing No.50 of 2004 dated 05.04.2004.

For Petitioner : Mr.A.Vellaichamy

For R-1 to R-3 : Mr.S.P.Maharajan
Special Government Pleader

For R-4 : Mr.M.Prabhu

ORDER

Heard Mr.A.Vellaichamy, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 to 3 and Mr.M.Prabhu, learned counsel for the 4th respondent.

2. This Writ Petition has been filed praying for a Mandamus, directing the third respondent to cancel the cancellation deed bearing No.18 of 2017 of 18.08.2017 thereby restoring the release deed executed by the fourth respondent bearing No.50 of 2004 dated 05.04.2004.



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3. The issue involved 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. (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 law declared by this Court, unilateral cancellation of settlement deed is not valid and such cancellation will not give any absolute right to others. Further, the registering authorities have no power to cancel any document already registered as per ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.***

5. In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document.



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6. With the above observations, this Writ Petition is dismissed with liberty to the petitioner to approach the competent civil Court. If any suit is filed by the petitioner, the same shall be entertained by the civil Court by excluding the period for which this writ petition was pending before this Court for the purpose of calculating the limitation period. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2024

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

To:

- 1.The Inspector General of Registrations,
Registration Office Santhome,
Chennai – 04.
- 2.The District Registrar,
District Registrar Office,
Periyakulam, Theni District.
- 3.The Sub Registrar,
Periyakulam II,
Sub Registrar Office, Periyakulam,
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K.KUMARESH BABU, J.

Nsr

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