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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.30936 of 2024

Sulaika Beevi ... Petitioner

/Vs./

The Sub Registrar,
(Document Registration Department),
Thoothukudikeelur Sub Registrar Office,
Thoothukudi District. ... Respondent

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip in Refusal No. RFL/Keelur/237/2024 dated 16.12.2024 passed by the respondent and quash the same and consequently direct the respondent to register the Cancellation deed presented by the petitioner dated 29.11.2024.

For Petitioner : Mr.S.Vishnuvardhan
For Respondent : Mr.M.Sarangan
Additional Government Pleader

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ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent thereby refused to register the unilateral cancellation of the settlement deed dated 29.11.2024.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The property comprised in Town S.No.5907/2, Town Survey Block – 50, admeasuring 1545 sq.ft., at Door No.175H, situated at Thoothukudi Town Municipality 6th Ward Thereshpuram Street, Thoothukudi, Thoothukudi Keelur Sub Registrar Office, Thoothukudi District, is owned by the petitioner. The petitioner settled the property in favour of her only son by settlement deed dated 25.04.1994 vide Document No.738/94. While being so, the petitioner's son died on 13.09.2024. Therefore, the petitioner decided to cancel the settlement deed, which was executed on 25.04.1994 and presented the cancellation of the settlement deed for registration. However, it was refused to

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register the same by the impugned refusal check slip dated 16.12.2024, which is under challenge in this writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner's son, who is the settlee died and therefore, she decided to cancel the settlement deed and presented the cancellation of the settlement deed for registration.

5. Though the settlee died, the property which was settled in favour of the settlee devolved on his legal heirs. If at all the settlor wants to cancel the settlement deed, the settlor has to prefer cancellation of the settlement deed, along with the legal heirs of the settlee and present the same for registration.

6. It is seen that after demise of the settlee, the petitioner does not want to give the property to her grandchildren and her daughter-in-law. The recital of the settlement deed also reveals that the petitioner's life interest is very much there in respect of the subject property. Therefore, though the settlee died, the petitioner has the life interest over the subject

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property till her lifetime. The legal heirs of the settlee have no absolute right over the subject property till the lifetime of the settlor, namely, the petitioner herein.

7. In view of the above, the respondent rightly refused to register the unilateral cancellation of the settlement deed and this Court finds no infirmity or illegality in the order passed by the respondent. Hence, this writ petition is dismissed. No costs.

19.12.2024

Index : Yes / No
NCC : Yes / No
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TO:-

The Sub Registrar,
(Document Registration Department),
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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.30936 of 2024

Dated:
19.12.2024

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