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W.P.No.773 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 773 of 2025
&
W.M.P.No. 942 of 2025

S.Usharani

...Petitioner

Vs.

1.The Sub Registrar
Tiruchengode SRO, Tiruchengode,
Namakkal District.

2.Kannammal

3.Rajathi

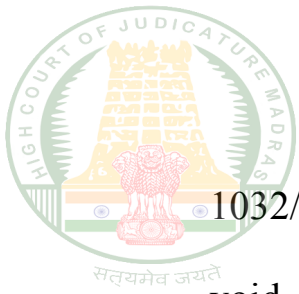
4.Rani

5.Kannagi

6.M.Vinoth

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to declare the impugned deed of unilateral cancellation of settlement dated 01.04.1999 registered as doc. No.



W.P.No.773 of 2022

WEB COPY

1032/ 1999 on the file of the 1st respondent by cancelling it as null and void in view of the Full Bench Judgement of this Honble Court in Sasikala case (2022 (5) CTC 257) and consequently direct the 1st respondent to make required corrections in book I in respect of the lands measuring 2.39 acres and 1.11 acres (3.50 acres in total) comprised in S.No. 34/2 (presently s.no. 34/2a), Andipalayam Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr. N.Manokaran
For Mr. R.T.Vishnu

For Respondent 1: Mr. B.Vijay
Additional Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To declare the impugned deed of unilateral cancellation of settlement dated 01.04.1999 registered as doc. No. 1032/ 1999 on the file of the 1st respondent by cancelling it as null and void in view of the Full Bench Judgement of this Honble Court in Sasikala case (2022



WEB COPY



W.P.No.773 of 2023

(5) CTC 257) and consequently direct the 1st respondent to make required corrections in book I in respect of the lands measuring 2.39 acres and 1.11 acres (3.50 acres in total) comprised in S.No. 34/2 (presently s.no. 34/2a), Andipalayam Village, Tiruchengode Taluk, Namakkal District.”

2. Heard the learned counsels on the either side and perused the records.

3. The Full Bench of this Court while considering a batch of Writ Petitions, where the issue involved was an unilateral cancellation of the document, relying upon the Judgment of the Hon'ble Supreme Court and Full Bench of this Court, have held as follows:

*“44.From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in **Thota Ganga Laxmi and Ors.-***



WEB COPY



W.P.No.773 of 2022

vs- Government of Andhra Pradesh & Ors., reported in (2010) 15 SCC 207 and the Full Bench of this Court in *Latif Estate Line India Ltd.*, case, reported in AIR 2011(Mad) 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in *Veena Singh's case* reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in *Asset Reconstruction Company (India) Ltd.*, case, reported in 2022 SCC On-line SC 544 for the following propositions:

(a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c) Such unilateral cancellation of sale deed or deed



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W.P.No.773 of 2023

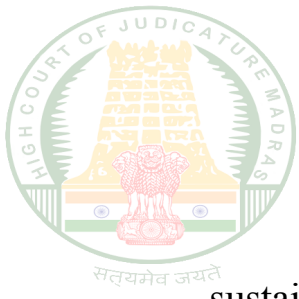
of conveyance cannot be accepted for registration.

(d)The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

(e)However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under [Section 31](#) of Specific Relief Act.

(f)As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under [Section 126](#) of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g)The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest.



W.P.No.773 of 2023

In the light of the above, the impugned cancellation cannot be sustained.

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4. Accordingly, the Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

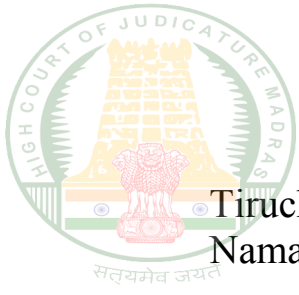
10.01.2025

Index : Yes/No
Internet : Yes/No
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To

The Sub Registrar

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Tiruchengode SRO, Tiruchengode,
Namakkal District.

WEB COPY



W.P.No.773 of 2023

P.T. ASHA, J,

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WEB COPY



W.P.No.773 of 2025

W.P.No. 773 of 2025

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