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W.P.No.6258 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6258 of 2019

And

W.M.P.No.7109 of 2019

Vijayaraj

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2.The Sub – Registrar,
Pammal,
Chennai.

3.K.Omana

4.G.Baiju

5.M/s.Sree Gokulam Investment

6.A.Karthikeyan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 30.04.2008 unilaterally cancelling the settlement deed executed by the third respondent vide document no. 1719 of 2008, on its file quash the same and subsequently direct the respondents 1 and 2 to remove any subsequent entries in their register made pursuant to the unilateral cancellation of settlement



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deed as also null and void.

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For Petitioner : Ms.A.B.Fathima Sulthana
For Respondents : Mr.Stalin Abimanyu for R1 and R2
Additional Government Pleader
R3 – No Appearance
Mr.M.J.Gunasekaran for R4
Mr.L.Rajasekar for R5
Mr.R.Thirugnanam for R6

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent dated 30.04.2008 unilaterally cancelling the settlement deed executed by the third respondent vide document no.1719 of 2008, on its file quash the same and subsequently direct the respondents 1 and 2 to remove any subsequent entries in their register made pursuant to the unilateral cancellation of settlement deed as also null and void.

2.The learned counsel appearing for the petitioner submitted that the petitioner purchased the property bearing Plot Nos.13 and 14, Narashiman Nagar, Pozhichalur, Chennai from his own earnings and since the petitioner was working abroad, he gave power of attorney to his father and based on the said power of attorney, the petitioner's father settled the property in favour of his mother vide settlement



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deed dated 11.02.2002 and thereafter the petitioner's mother/ third respondent settled the property in favour of the petitioner vide settlement deed dated 26.10.2007.

3.The learned counsel appearing for the petitioner further submitted that thereafter the third respondent unilaterally cancelled the settlement deed vide revocation of settlement deed dated 30.04.2008 and sold the property to the fifth respondent vide sale deed dated 22.09.2008 through her power agent/ the fourth respondent. Thereafter, the fifth respondent sold the property to the sixth respondent vide sale deed dated 06.03.2012. Aggrieved by the same, the petitioner has filed this writ petition for the aforesaid relief. The learned counsel further submitted that the Hon'ble Full Bench of this Court in the decision reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]** has held that a sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

4.Per contra, the respective learned counsel appearing for the respondents 4 to 6 submitted that the petitioner's mother/ third



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respondent settled the property in favour of the petitioner vide settlement deed dated 26.10.2007 and thereafter the third respondent unilaterally cancelled the settlement deed vide revocation of settlement deed dated 30.04.2008. At the relevant point of time, there is no law available prohibiting unilateral cancellation. Article 59 part 4 of the Limitation Act makes it clear that time limit for cancellation or setting aside instrument or decree is only three years, however, for unilateral cancellation relating to the year 2008, the writ petition has been filed during the year 2019, which is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of records reveal that the petitioner's mother/ third respondent settled the property in favour of the petitioner vide settlement deed dated 26.10.2007 and thereafter the third respondent unilaterally cancelled the settlement deed vide revocation of settlement deed dated 30.04.2008 and sold the property to the fifth respondent vide sale deed dated 22.09.2008 through her power agent/ the fourth respondent. Thereafter, the fifth respondent sold the



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property to the sixth respondent vide sale deed dated 06.03.2012.

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7.Further, Article 59 part 4 of the Limitation Act makes it clear that time limit for cancellation or setting aside instrument or decree is only three years, however, for unilateral cancellation relating to the year 2008, the writ petition has been filed during the year 2019, which is not sustainable one.

8.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.
- 2.The Sub – Registrar,
Pammal,
Chennai.



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