



Writ Petition No.5719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 24.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.5719 of 2025

Murugan
S/o.Thangamani

...Petitioner

Vs.

The Sub-Registrar,
Tirukoilur.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned Refusal Check Slip No.RFL/Thirukoilur/25/2025, dated 31.01.2025 issued by the respondent and to quash the same and consequently, direct the respondent to register the sale deed dated 31.01.2025 placed before the respondent.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.Sasikumar,
Government Advocate



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ORDER

This writ petition has been filed challenging the impugned Refusal Check Slip dated 31.01.2025 issued by the respondent and for a consequential direction to the respondent to register the sale deed dated 31.01.2025 that was executed in favour of the petitioner by one Saravanan.

2. Heard Mr.D.Baskar, learned counsel for petitioner and Mr.Sasikumar, learned Government Advocate appearing for respondent.

3. The Refusal Check Slip has been issued on the ground that the property was originally owned by one Govindarajalu and he executed a settlement deed in favour of his daughter on 20.09.1991, which was registered as document No.1801 of 1991. His daughter Saroja died on 29.11.2008 and her daughter Valli succeeded to the property. The said Valli had executed a sale deed in favour of one Saravanan on 13.03.2013 and this document was registered as document No.1205 of 2013. The petitioner wanted to purchase 800 sq.ft. in the subject property from the said Saravanan and a sale deed dated 31.01.2025 was executed in favour of the petitioner. According to the



respondent, the said Govindarajalu, during his life time, had cancelled the settlement deed dated 20.09.1991 through a Cancellation Deed dated 21.01.1994, which was registered as document No.74 of 1994 and he has thereafter executed a Will in favour of his grandson. Therefore, the respondent found that there is a dispute in title.

4. In the considered view of this Court, after execution of the settlement deed, the property ultimately devolved on the daughter of Saroja and she has dealt with the property through an earlier sale deed dated 13.03.2013. Thereby, the title has been passed on to the vendor of the petitioner. The said settlement deed is sought to have been cancelled through a unilateral cancellation deed. The Full Bench of this Court has held that such unilateral cancellation of settlement is unsustainable and useful reference can be made to the judgment in *Sasikala and others v. Revenue Divisional Officer and others* [2022 (7) MLJ (1)]. Therefore, the subsequent unilateral cancellation of the settlement deed and the Will executed by the said Govindarajalu are non-est in the eye of law. This is apart from the fact that the property has already been dealt with by the legal heir of Saroja and it was sold in favour of the vendor of



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the petitioner and therefore, there can be no bar for the vendor of the petitioner to convey the property in favour of the petitioner.

5. The impugned Refusal Check Slip dated 31.01.2025, is quashed.

There shall be a direction to the respondent to register the sale deed executed in favour of the petitioner on 31.01.2025, if it is otherwise in order.

This writ petition is allowed with the above direction. No costs.

24.02.2025

Neutral citation: Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order

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To
The Sub-Registrar,
Tirukoilur.

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