



WEB COPY



W.P.No.5051 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM:

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

W.P.No.5051 of 2019

Haja Feroz Ahmed

.... Petitioner

Vs

1.The Joint Sub Registrar No.2,
Mayiladuthurai,
Nagapattinam District.

2.Mohammed Ansary (Died)
3.Hadhiya Beevi (Died)

4.Basheer Ahmed
S/o.Mohammed Ansary

5.Humayun Khabir
S/o.Mohammed Ansary

6.Mohamed Riyas
S/o.Mohammed Ansary
(Respondents 4 to 6 are impleaded as
per order dated 03.09.2025 in W.M.P.
No.29024 of 2024 in W.P.No.5051 of 2019)

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, calling
for the records of 1st respondent relating to Deed of Revocation of
Settlement dated 08.07.2016 executed by 2nd respondent and registered as



W.P.No.5051 of 2019

Document number 1214 of 2016 and quash the same and further direct the 1st respondent to remove all the entries in the Register regarding the same and also subsequent transaction by 2nd respondent in favour of 3rd respondent.

For Petitioner	:	Mr.B.Jawahar
For R1	:	Mr.U.Baranidharan Special Government Pleader
For R2 & R3	:	Died (Steps taken)
For R4	:	Mr.A.Muthukumar

ORDER

This Writ Petition has been filed challenging the cancellation of the deed of settlement dated 08.07.2016 executed by the second respondent and registered vide document No.1214 of 2016 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent, the learned counsel appearing for the fourth respondent and perused the materials available on record.

3. The land, comprised in Survey No.392/2, admesuring 108564 sq.ft, situated at Ekasan Street, Kanganamputhur Village, Mayiladuthurai Taluk, Nagapattinam District, was originally owned by



W.P.No.5051 of 2019

the deceased second respondent herein. Out of love and affection, the deceased second respondent executed a settlement deed dated 11.03.2008 in favour of the petitioner, which was registered vide document No.374 of 2008. Thereafter, the said settlement deed was unilaterally cancelled by the revocation deed of settlement dated 08.07.2016, registered vide document No.1214 of 2016 on the file of the first respondent. Subsequently, the second respondent had executed another settlement deed in respect of the very same property in favour of the third respondent.

4. Though the second and third respondents died, it is well settled that the unilateral cancellation of a settlement deed is unknown to law and is non-est in the eye of law. Further, the Hon'ble Full Bench of this Court, in the case of *Sasikala V. Revenue Divisional Officer* reported in **2022 (4) L.W 481**, has categorically held that such unilateral cancellation of a sale deed or any deed of conveyance cannot be accepted for registration. 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



W.P.No.5051 of 2019

property.

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5. In view of the above settled legal position, the unilateral cancellation of the settlement deed dated 08.07.2016 registered vide document No.1214 of 2016 is hereby declared as null and void. It is needless to state that any subsequent deed of conveyance executed pursuant to such unilateral cancellation, in respect of the subject property in non-est in the eye of law and does not operate to execute, assign, limit or extinguish any right, title or interest over the subject property. The legal heirs of the deceased respondents 2 and 3 are at liberty to approach the Civil Court for appropriate relief in respect of the subject property, if so advised.

6. In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs..

03.09.2025

Internet: Yes
Index : Yes/No
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W.P.No.5051 of 2019

To
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The Joint Sub Registrar No.2,
Mayiladuthurai,
Nagapattinam District.

G.K.ILANTHIRAIYAN. J.



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W.P.No.5051 of 2019

Lpp

W.P.No.5051 of 2019
(4/4)

03.09.2025