



WEB COPY

WA No. 1105 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.A. No. 1105 of 2021
and C.M.P.No.6967 of 2021**

1. Dhanaraj
S/o.Late Anganna Naidu, Resi At
No.2/294, 4/382, Moovendar Nagar,
Bagalur Road, Hosur Town And Tk,
Krishnagiri District, Tamil Nadu.

...Appellant(s)

Vs

1. Dhanalakshmi
W/o.R.Balamurali, Resi At No.1-7 Iyyal
Naidu St, Vilankurichi Road, Peelamedu,
Coimbatore, Tamil Nadu.

2.The Inspector General of Registration
No.100 Santhome High Road,
Mylapore, Chennai 28.

3.The Sub Registrar, Hosur.

...Respondent(s)



The Writ Appeal is filed under Cluase 15 of the Letters Patent to set aside the order dated 21.12.2018 passed in W.P.No.34125 of 2018.

For Appellant(s): Ms.Swetha
For M/s.K. Govi Ganesan

For Respondent(s): Mr.MA.Goutham For R1
Mr. U.Baranidharan
Special Government Pleader
For R2 and R3

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

This Writ Appeal has been filed to set aside the order dated 21.12.2018 passed in W.P.No.34125 of 2018. The third respondent in the Writ Petition is the appellant in the present intra-Court Appeal.

2. The first respondent filed Writ Petition challenging unilateral cancellation of settlement deed executed by the appellant on 04.10.2018 in favour of the first respondent in Document No.16877 of 2018. Writ Court allowed the Writ Petition on the ground that unilateral cancellation of settlement deed is impermissible in view of the pronouncement of Full Bench of this Court.

3. The learned counsel for appellant would mainly contend that Writ Court allowed Writ Petition on the ground that there is no reason available in the cancellation deed, which was under challenge.



4. Ms.Swetha, learned counsel appearing for the appellant would draw the attention of this Court with reference to the reasons stated in the cancellation deed. That apart, it is contended that no opportunity was given to the appellant to defend his case in the Writ Petition. But, such an opportunity has now been provided by this Court and the learned counsel for the appellant put forth the contentions raised by the appellant regarding unilateral cancellation of settlement deed.

5. The issues in this regard are no more *res integra* and two different Full Benches of this Court held that unilateral cancellation of Sale Deed is impermissible under the provisions of the Registration Act, 1908.

6. In the case of ***Latif Estate Line India Ltd. Vs. Hadeeja Ammal & Ors.***, reported in **(2011) 2 CTC 1**, the Full Bench of this Court held as follows:-

59. After giving out anxious consideration on the questions raised in the instant case, we come to the following conclusion:-

(i) A Deed of Cancellation of a sale unilaterally executed by the transferor does not create, assign, limit or extinguish any right, title or interest in the property and is of no effect. Such a document does not create any encumbrance in the property already transferred. Hence, such a Deed of Cancellation cannot be accepted for registration.



(ii) *Once title to the property is vested in the transferee by the sale of the property, it cannot be divested unto the transferor by execution and registration of a Deed of Cancellation even with the consent of the parties. The proper course would be to re-convey the property by a deed of conveyance by the transferee in favour of the transferor.*

(iii) *Where a transfer is effected by way of sale with the condition that title will pass on payment of consideration, and such intention is clear from the recital in the deed, then such instrument or sale can be cancelled by a Deed of Cancellation with the consent of both parties on the ground of non-payment of consideration. The reason is that in such a Sale Deed, admittedly, the title remained with the transferor.*

(iv) *In other case, a complete and absolute sale can be cancelled at the instance of the transferor only by taking recourse to the Civil Court by obtaining a decree of cancellation of Sale Deed on the ground inter alia of fraud or any other valid reasons.*

7. The said position has been reiterated by another Full Bench of this Court in the case of **Sasikala Vs. Revenue Divisional Officer** reported in **(2022) 7 MLJ 1**, wherein, it held as follows:-

59. *Much ado was sought to be made by contending that the Appellant approached the High Court without disclosing the previous orders of the High Court and this Court, relegating them to civil court for the adjudication of their claim. Reliance was also placed in this regard on the decision of this Court in **Raj Kumar Soni vs. State of U.P.** (2007) 10 SCC 635.”*



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8. In view of the legal position settled in two different Full Bench decisions of this Court, writ order cannot be said to be infirm. Accordingly, Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.) (MOHAMMED SHAFFIQ J.)
25-10-2025

ASI

Index :Yes

To

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