



Writ Petition No.10391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10391 of 2025

Veeravasanth Kumar @
Veeravasanth Rayalu
S/o. K Prakash, No. 5/3b,
Therpettai, Berigai Post,
Krishnagiri District,

Petitioner

Vs

1. The District Registrar
District Registrar Office,
Krishnagiri 635 001.

2.The Sub Registrar,
Hosur Sub Registrar Office,
Hosur 635 109.

3.V Rajeshwari
W/o. K Shankaran Chary,
Pathamuthali Vilge, Muthali Post,
Hosur Taluk, Krishnagiri District

4.SARADHA
W/o. Jeganadhan Door No. 23-5
1st Main Road, New Vansath
Nagar, Hosur, Krishnagiri District

Respondent(s)



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Prayer:
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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration, declaring the deed of cancellation of Gift settlement dated 29.08.2011 registered as Document No. 12092 of 2011 on the file of the 2nd respondent herein as null and void, unenforceable in law perse illegal and not binding on the petitioner's right over the property being all the piece and parcel of the property ad measuring about 1.24 Acres comprised in Survey no. 78/6 3488 Sq ft in survey no. 40/12 and 1526 sq ft in Survey no. 37/2C15 Situated at Pathamuthali Village Hosur Taluk Krishnagiri District and a Mangalore tiled House and further direct the 1st and 2nd respondents to delete the entries of the subsequent deeds Nos. 12093 of 2011 dated 29.08.2011 and no. 20449/2024 dated 24.10.2024 from Book 1 within a time.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.K.Karthick Jagannath
Government Advocate
for R1 and R2
Ms.G.S.Deepa
for R3 and R4

ORDER

This writ petition has been filed to declare the deed of cancellation of Gift Settlement deed dated 29.08.2011 registered as Document No.12092 of 2011 on the file of the second respondent as null and void and not binding on the petitioner and consequently, delete the



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entries that were made in the encumbrance register for the subsequent deeds dated 29.08.2011 registered as Document No.12093 of 2011 and dated 24.10.2024 registered as Document No.20449 of 2024.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for R1 and R2 and the learned counsel for R3 and R4.

3. The subject property was originally owned by the grandfather of the petitioner. The grandfather and father of the petitioner jointly executed a settlement deed dated 13.02.2006 in favour of the petitioner which was registered as Document No.1793 of 2006 on the file of the second respondent. The petitioner attained majority in the year 2018. He came to know that the settlement deed came to be cancelled by cancellation deed dated 29.08.2011 registered as Document No.12092 of 2011. Thereafter, a sale deed was executed in favour of the third respondent on the same day which was registered as Document No.12093 of 2011. The third respondent executed the sale deed in favour of the fourth respondent through a registered sale deed dated 24.10.2024 registered as Document No.20449 of 2024.



4. The petitioner has questioned the unilateral cancellation of the settlement deed and subsequent documents that were created after such cancellation.

5. The issue involved in the present writ petition is no longer *res integra*. Hon'ble Full Bench of this Court in ***Sasikala Vs Revenue Divisional Officer-cum-Sub-Collector*** reported in ***2022 5 CTC 257*** has categorically held that such unilateral cancellation of settlement deed is illegal unless the case falls within the scope of Section 126 of the Transfer of Property Act, 1882.

6. This Court carefully went through the settlement deed that was executed in favour of the petitioner on 13.02.2006. In the settlement deed, it has been categorically stated that the property has been absolutely settled in favour of the petitioner and that the settlor has not retained any right over the property and settlor did not retain any right for cancelling the settlement deed.

7. In view of the above, the settlement deed does not fall within the scope of Section 126 of the Transfer of Property Act, 1882. Hence,



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the judgment of Hon'ble Full Bench will squarely apply to the case on hand.

8. In view of the fact that cancellation of the settlement deed through cancellation deed dated 29.08.2011 is held to be null and void, there was no title for executing the sale deed in favour of the third respondent through sale deed 29.08.2011 and subsequent sale deed that was executed by the third respondent in favour of the fourth respondent on 24.10.2024. These two documents will have no legs to stand since the cancellation deed has been held to be null and void.

9. In the light of the above discussion, this Writ Petition is allowed and this Court holds that the cancellation deed dated 29.08.2011 registered as Document No.12092 of 2011, sale Deed dated 29.08.2011, registered as Document No.12093 of 2011 and sale deed dated 24.10.2024, registered as Document No.20449 of 2024 are null and void and not binding on the petitioner. There shall be a direction to the second respondent to make necessary entry in the encumbrance register in this regard. This process shall be completed by the second respondent, within a period of four weeks from the date of receipt of a copy of this



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order. In the light of this declaration made by this Court, the settlement deed that was executed in favour of the petitioner on 13.02.2006 will stand restored.

This Writ Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.04.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order

mk

To

1. The District Registrar
District Registrar Office,
Krishnagiri 635 001.
2. The Sub Registrar,
Hosur Sub Registrar Office,
Hosur 635 109.



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N.ANAND VENKATESH.J.,

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