



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 7516 of 2024

and

WMP No. 8420 of 2024

N.Thimma Reddy,

Petitioner(s)

Vs

1.The Inspector General Of
Registration,
No.100, Santhom High Road,
Pattinampakkam, Chennai - 600 028.

2.The District Registrar,
Krishnagiri District.

3.The Sub Registrar,
Office Of The Sub Registrar,
Hosur,
Krishnagiri District.

4.Rama Reddy,
5.Yasodhammal,
6.Sharadammal,

Respondent(s)



PRAYER

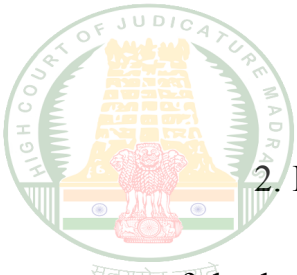
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Registration of Unilateral Cancellation of Settlement Deed in Document No. 14183/2007 dated 08.10.2007 by the 3rd Respondent executed by Mrs. Gowramma and quash the same and consequently direct the 3rd Respondent to remove the connected entries in the Register.

For Petitioner(s): Mr.K.Venkateswaran

For Respondent(s): Mr.Abishek Murthy, GA
For R1 to R3
Mr.D.Ramesh Kumar
For R4 to R6

ORDER

The present writ petition has been filed seeking for a writ of certiorarified mandamus, challenging the registration of unilateral cancellation of Settlement Deed in Document No.14183 of 2007 dated 08.10.2007 by the 3rd respondent and also seeking for a direction to the 3rd respondent to remove the connected entries in the Register.

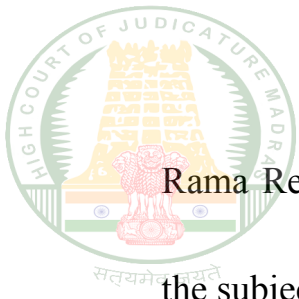


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2. It is submitted by the learned counsel for the petitioner that the entirety of the land comprised in Survey No.501 measuring an extent of 1.66 acres and in Survey No.260 measuring an extent of 0.35 acres belonged to the petitioner's grandmother, Mrs.Gowramma. The above-said property was purchased by his grandmother vide a Sale Deed in Document No. 1247 of 1971 registered on the file of Sub Registrar Office (SRO), Hosur.

3. It is further submitted that the petitioner's grandmother executed a Gift Settlement Deed vide Document No.2533 of 1985 dated 22.08.1985 in favour of the petitioner, who was then a minor being the son of her elder daughter Rajamma. Pursuant to the said settlement deed, the revenue records were mutated, and the petitioner's name was duly included in the patta and chitta in respect of the above property. Since then, the petitioner has been in peaceful possession and enjoyment of the subject property.

4. Thereafter, grandmother of the petitioner died on 20.08.2020. It is submitted by the petitioner that, in the year 2007, petitioner's uncle, namely



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Rama Reddy, tried to interfere with the peaceful possession and enjoyment of the subject property. Thereafter, the petitioner filed a suit in O.S.No.316 of 2007 against his grandmother and his uncle Rama Reddy before the District Munsif, Hosur, seeking the relief of permanent injunction. The said suit was decreed in favour of the petitioner on 27.03.2017, and an appeal was filed against the decree in A.S.No.7 of 2017 before the Principal Subordinate Court, Hosur by the petitioner's uncle Rama Reddy. The said appeal was dismissed, confirming the decree passed by the District Munsif, Hosur.

5. It is submitted by the learned counsel for the petitioner that when the petitioner had applied for the encumbrance certificate in respect of the properties, it was found that the petitioner's grandmother has executed a cancellation deed vide Document No.14183 of 2007 on the file of SRO, Hosur. It is submitted by the learned counsel for the petitioner that in “***Latif Estate Line India Ltd. vs. Hadeeja Amma***” reported in (2011) 2 CTC 1, it has been held that the cancellation of a settlement deed unilaterally is not permissible. It is also the case of the petitioner that the settlement deed contains a recital



stating that it cannot be cancelled, and the relevant portion of the settlement deed reads as under:

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“Myself and my other legal heirs are not having any rights on this property from hereafter. The gift properties are free from all encumbrances. In case if any encumbrance to be noticed by you at a later dated the same will be cleared by spending my own money and expenses.”

6. The learned counsel for the petitioner also placed reliance upon the judgment of the Hon'ble Full Bench of this Court in the case of **Sasikala vs. Revenue Divisional Officer** reported in **(2022) 7 MLJ 1** and the relevant paragraphs are extracted hereunder:

“54. The third step namely the act of registration, is something that the Registering Authority is called upon to do statutorily. While the executant of the document and the person claiming under the document (claimant) are the only actors involved in the first two steps, the Registering Officer is the actor in the third step. Apart from the third step



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which is wholly in the domain of the Registering Authority, he may also have a role to play in the second step when a document is presented for registration and the execution thereof is admitted. The role that is assigned to the Registrar in the second step is that of verification of the identity of the person presenting the document for registration.

55. Thus, the first two steps in the process of registration are substantial in nature, with the parties to the document playing the role of the lead actors and the Registering Authority playing a guest role in the second step. The third step is procedural in nature where the Registering Authority is the lead actor.

56. In suits for declaration of title and/or suits for declaration that a registered document is null and void, all the aforesaid three steps which comprise the entire process of execution and registration come under challenge. If a party questions the very execution of a document or the right and title of a person to execute a document and present it for registration, his remedy will only be to go to the civil court. But where a party questions only the failure of



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the Registering Authority to perform his statutory duties in the course of the third step, it cannot be said that the jurisdiction of the High Court Under Article 226 stands completely ousted. This is for the reason that the writ jurisdiction of the High Court is to ensure that statutory authorities perform their duties within the bounds of law. It must be noted that when a High Court, in exercise of its jurisdiction Under Article 226 finds that there was utter failure on the part of the Registering Authority to stick to the mandate of law, the Court merely cancels the act of registration, but does not declare the very execution of the document to be null and void. A declaration that a document is null and void, is exclusively within the domain of the civil court, but it does not mean that the High Court cannot examine the question whether or not the Registering Authority performed his statutory duties in the manner prescribed by law. It is well settled that if something is required by law to be done in a particular manner, it shall be done only in that manner and not otherwise. Examining whether the Registering Authority did something in the manner



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required by law or otherwise, is certainly within the jurisdiction of the High Court Under Article 226.

However, it is needless to say that the High Courts may refuse to exercise jurisdiction in cases where the violations of procedure on the part of the Registering Authority are not gross or the violations do not shock the conscience of the Court. Lack of jurisdiction is completely different from a refusal to exercise jurisdiction.

57. In the case on hand, the Appellant has not sought a declaration from the High Court that the execution of the document in question was null and void or that there was no title for the executant to transfer the property. The Appellant assailed before the High Court, only the act of omission on the part of the Registering Authority to check up whether the person who claimed to be the power agent, had the power of conveyance and the power of presenting the document for registration, especially in the light to the statutory rules. Therefore, the learned Single Judge rightly applied the law and allowed the writ petition filed by the Appellant, but the Division Bench got



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carried away by the sound and fury created by the contesting Respondents on the basis of (i) pendency of the civil suits; (ii) findings recorded by the Special Court for CBI cases; and (iii) the order passed by this Court in the SLP arising out of proceedings Under Section 145 Code of Criminal Procedure.

58. Arguments were advanced on the question whether the Registering Authority is carrying out an administrative act or a quasi-judicial act in the performance of his statutory duties. But we think it is not relevant for determining the availability of writ jurisdiction. If the Registering Authority is found to be exercising a quasi-judicial power, the exercise of such a power will still be amenable to judicial review Under Article 226, subject to the exhaustion of the remedies statutorily available. On the contrary if the Registering Authority is found to be performing only an administrative act, even then the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law.

59. Much ado was sought to be made by



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*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.” (emphasis supplied)*

7. In view of the above judgment of the Hon'ble Full Bench of this Court, the learned Government Advocate appearing on behalf of the respondents 1 to 3 and the learned counsel for the respondents 4 to 6 does not dispute the said legal position.

8. However, insofar as the consequential relief sought for by the petitioner to direct the 3rd respondent to remove the connected entries in the Register is concerned, the learned Government Advocate would submit that, inasmuch as there exists uncertainty with regard to the authority to remove or delete the entries, instead a footnote would be made wherein reference would be made to



the order of this Court setting aside the impugned cancellation of the settlement deed dated 08.10.2007.

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9. In view thereof, the impugned Cancellation of Settlement Deed in Document No.14183 of 2007 dated 08.10.2007 is hereby set aside and the present Writ Petition stands allowed. However, it open to the aggrieved parties to work out their remedies in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

21-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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No. 100, Santhom High Road,
Pattinampakkam, Chennai - 600 028.

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MOHAMMED SHAFFIQ J.

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