

Writ Petition No.9931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9931 of 2025

V.Ramasamy
s/o. Velusamy NO. 4 MUNIAPA
NAGAR, 1ST STREET,
NERUKUNRAM, CHENAI

Petitioner

Vs

1. The Inspector General Of
Registration
No. 100 Santhome High Road,
Mylapore, Chennai 600 028.

2.Sub Registrar
Anna Nagar Sro 576 Mogappair
West, Ambatur Industrial Estate,
Chennai 600 037.

3.T Valarmathi
W/o. Thiruvenkadam, Reside At
1321/30 15th Road, East club
Road, Shenoy Nagar, Chennai

4.Thirumalai Raj
S/o. N Thiruvenkadam, Reside At
1321/30 15th Road, East club
Road, Shenoy Nagar, Chennai

5.VETRISELVI



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W/o. Ravindran, Reside At
1321/30 15th Road, East club
Road, Shenoy Nagar, Chennai

6.KAYALVIZHI
W/o. Srinivasan, Reside At
1321/30 15th Road, East club
Road, Shenoy Nagar, Chennai

7.S Sivagami
W/o. Subbiah, Reside At 1321/30
15th Road, East club Road, Shenoy
Nagar, Chennai

8.DHANALAKSHMI
W/o. Parthiban Reside At 1321/30
15th Road, East club Road, Shenoy
Nagar, Chennai

9.S. Jagadeeswari
W/o. Sankar, Reside At 1321/30
15th Road, East club Road, Shenoy
Nagar, Chennai

10.R Radhabai
D/o. Natesan, Reside At 1321/30
15th Road, East club Road, Shenoy
Nagar, Chennai

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for records relating to the unilaterally executed cancellation deed dated 23.01.2006 registered Document No.193 of 02006 by Mrs. Kamatchi on the file of the second respondent and subsequently executed the



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settlement deed dated 01.12.2008 by Mrs.Kamatchi in favour of the 7th to 10th respondents registered as document No.4113 of 2008 on the file of the second respondent in respect of the above said property and quash the same as null and void and consequently, directing the first and second respondents to remove encumbrance entries in respect of the unilaterally executed cancellation deed dated 23.01.2006 registered as Document No. 193 of 2006 on the file of the second respondent and subsequently executed the settlement deed on 01.12.2008 in favour of the 7th to 10th respondents registered as Document No.4113 of 2008 on the file of the office of the second respondent .

For Petitioner : Mr.Suresh Kumar T.V
For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed challenging the unilateral cancellation of the registered settlement deed dated 08.04.2005 and the subsequent documents that were executed in favour of the private respondents and for removal of entries made in the Encumbrance Certificate.

2. When the writ petition came up for hearing on 22.04.2025, this Court found that the notice has been effected on the private



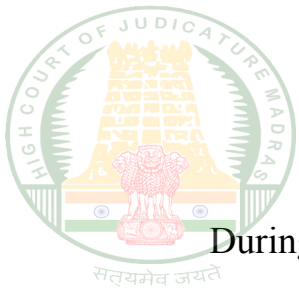
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respondents and there was no appearance on the side of the private

respondents and hence, this Court directed the names of respondents 3 to 10 to be printed in the cause list. Accordingly, the names of R3 to R10 have been printed in the cause list and there is no appearance either in person or through counsel.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

4. The case of the petitioner is that the subject property belonged to the Tamil Nadu Slum Clearance Board and it was sold in favour of Mrs.Kamatchi through a sale deed dated 11.02.2005 registered as Document No.1375 of 2025 on the file of the second respondent. The said Kamatchi executed a settlement deed dated 08.04.2005 in favour of her son Thiruvankadam, which was registered as Document No.1376 of 2025 on the file of the second respondent. The said Thiruvankadam had borrowed loan from one Selvaraj and the property was given as the security. Since the amount was not repaid, the said Selvaraj filed a suit in O.S.No.1397 of 2021 against the respondents 3 to 6, who are legal heirs of Thiruvankadam. The said suit was decreed by judgment and decree dated 13.08.2021. The decree amount was not paid and hence, execution proceedings were initiated by the said Selvaraj in E.P.No.4600 of 2021.



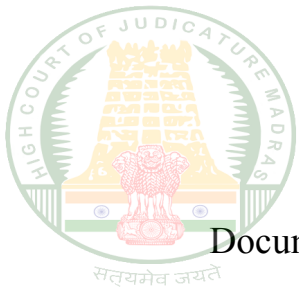
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During the execution proceedings, the property was brought for auction sale and the petitioner participated in the auction and he was declared as successful bidder. The sale certificate was issued in favour of the petitioner dated 04.01.2025 and the same was also registered as Document No.834 of 2025 on the file of the second respondent.

5. In the meantime, it seems that the settlement deed dated 08.04.2005 was unilaterally cancelled and subsequent settlement deed was executed by the said Kamatchi in favour of Sivagami and three others, who are respondents 7 to 10. Aggrieved by the cancellation deed unilaterally cancelling the settlement deed and also the subsequent settlement deed executed in favour of respondents 7 to 10 was registered and entered in the Encumbrance Certificate, the petitioner has approached this Court seeking for necessary relief.

6. Unilateral cancellation of the settlement deed dated 08.04.2005 is illegal and the law has been settled by the Full Bench of this Court in in ***Sasikala Vs Revenue Divisional Officer-cum-Sub-Collector*** reported in ***2022 (5) CTC 257*** Hence, the subsequent settlement deed that was executed in favour of the respondents 7 to 10 must also fail. That apart, the property has been purchased by the petitioner in auction and the sale certificate has also been registered as



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Document No.834 of 2025. This registration of sale certificate will automatically reverse the earlier entries that were made while entertaining the cancellation deed dated 23.01.2006 registered as Document No.193 of 2006 and subsequent settlement deed dated 01.12.2008 registered as Document N0.4113 of 2008.

7. In view of the above, there shall be a direction to the second respondent to make necessary entries in the encumbrance register by reversing the entries made while registering Document Nos.193 of 2006 and 4113 of 2008. 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 order.

In the result, the Writ Petition is allowed. There shall be no order as to costs.

29.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To



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1. The Inspector General Of Registration

No. 100 Santhome High Road, Mylapore, Chennai 600 028.

2. Sub Registrar

Anna Nagar Sro 576 Mogappair Wst, Ambatur Industrial Estate,
Chennai 600 037.

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This matter is taken up for hearing today under the caption "for being mentioned" on the ground that in the order dated 29.04.2025, in the prayer portion, the Document Number of the cancellation deed dated 23.01.2026 has been wrongly mentioned as Document No.193 of 02006, which should be mentioned as Document No.193 of 2006 and in paragraph four of the order, the document number of the sale deed dated 11.02.2005 has been wrongly mentioned as Document No.1375 of 2025 and for sale deed dated 08.04.2005, the document number has been wrongly mentioned as Document No.1376 of 2025, which should be mentioned as Document No.1375 of 2005 and Document No.1376 of 2005 respectively.

2. Hence, Registry is directed to carryout the necessary corrections and fresh copy of the order shall be furnished.

12.06.2025

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