



WP NO. 11623 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.11623 of 2024 &
WMP.No.12714 of 2024**

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Petitioner(s)

Vs

1. The District Registrar,
Salem West, Salem District.
2. The Sub-Registrar,
Tharamangalam,
Salem District.
3. Chinnusamy,
Panangkattur,
Pappambadi Village,
Omalur Taluk, Salem District.
4. Thangamani
5. Valarmathi

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the entire records relating to the Settlement Cancellation Deed dated 26.09.2005 in Document No.2413 of 2005 and consequent document namely, the Sale Deed dated 28.10.2005 in Document No.2653 of 2005 on the file of 2nd respondent and quash the same as illegal, improper and without jurisdiction.



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For Petitioner(s) : Mr.L.G.Sahadevan for
Mr.A.Ilayaperumal

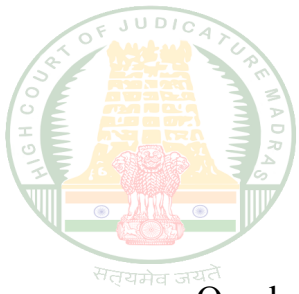
For Respondent(s): Mr.U.Baranidharan, Spl. Govt. Pleader
for R1 and R2
Mr. A.M.Esakkiappan for R3 to R5

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the unilateral cancellation of the Settlement Deed dated 26.09.2005 and consequential Sale Deed dated 28.10.2005.

3. It is the case of the petitioner that the 3rd respondent had settled the properties comprised in S.No.155-1 F, 52 cents in S.No.155-1 H, 21 cents in S.No.155-1 K, 75 cents in S.No.183-2 G, 33 cents in S.No.186-2 A, 33 cents in S.No.186-2 D, totally 2 acres 30 cents of Pappambadi Village,



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Omalur Taluk, Salem District. The above settlement deed was thereafter sought to be unilaterally cancelled by the 3rd respondent namely settlor.

3. The learned counsel for the petitioner as well as the respondents would submit that the issue stands covered by a Full Bench Judgment of this Court in the case of ***Sasikala vs. Revenue Divisional Officer cum Sub Collector and another*** made in ***W.P. (MD)No. 6889 of 2020 etc., batch cases dated 02.09.2022*** , wherein, it was held as under:

“44. From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in Thota Ganga Laxmi and Ors.- vs Government of Andhra Pradesh & Ors., reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011(Mad) 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., case, reported in 2022 SCC On-line SC 544 for the following propositions:

- (a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.*
- (b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not*



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operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

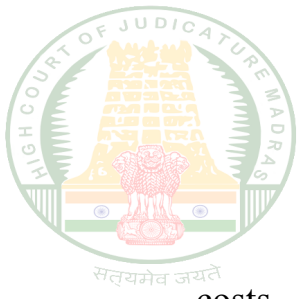
(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g) The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest.”

4. In such view of the matter, the impugned order cancelling the Settlement Deed 26.09.2005 and the consequential Sale Deed dated 28.10.2005 is void and non est. Hence the impugned order passed by the 2nd respondent is hereby set aside.

5. The Writ Petition is disposed of accordingly. It is open to the aggrieved party to work out the remedy in the manner known to law. No



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costs. Consequently, the connected miscellaneous petition is closed.

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Index:yes/No

Internet:yes/No

To

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MOHAMMED SHAFFIQ, J.



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