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W.P.No.36218 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36218 of 2016
W.M.P.Nos.40224 of 2025

Mandothari Prasad @ Russia

... Petitioner

Vs

1.The Sub Registrar,
Office of the Sub Registrar
(District Registrar Cadre)
Mylapore,
Chennai-600 004.

Kantha @ K.T.Kanthasoroobi (died)

2.Malarkodi Sukumaran

*[R-2 substituted as LR of the deceased Kantha @ k.T.Kanthasoroobi
vide order dated 18.09.2025 in W.M.P.No.40214 of 2025]*

3.K.T.Pugazhendhi (Died)

4.Kayal vizhi
5.Selventhiren
6.Sathya

*[RR-4 to 6 substituted as Lrs deceased R-3,
K.T.Pugazhendhi vide order dated 18.09.2025
in W.M.P.No.40214 of 2025]*

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, declaring that the deed of cancellation of

Settlement deed executed by the 2nd Respondent on 07.02.2014 registered as document No.368/2014 on the file of the 1st Respondent by cancelling the settlement deed dated 27.05.2013 executed by the 2nd Respondent in favour of the Petitioner registered as document No.1647/2013 on the file of the 1st Respondent is Null and void and not binding on the Petitioner over the property situate in old door No.36 later No.7 and now New No.13, 3rd Main Road, Raja Annamalaipuram, Chennai-600 028 with RS No.3968/80 part Block No.88, Mylapore Division, more fully described in the B Schedule in the settlement deed to an extent 2613 sq.ft along with built up house.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader
for R-1.

: R-2 (Died)

: Mr.S.Kumaradevan for RR-3 to 6.

ORDER

Aggrieved by the cancellation of settlement deed dated 27.05.2013 which was executed by the 2nd respondent in favour of the petitioner, the present Writ Petition has been filed by the petitioner seeking declaration of the deed of



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cancellation of the settlement deed dated 07.02.2014 as null and void.

2. W.M.P.No.40214 of 2025 filed seeking substitution of legal heirs of the deceased respondents is ordered.

3. Initially, this Writ Petition was allowed by the Co-ordinate Bench of this Court vide order dated 26.08.2021 declaring the unilateral cancellation of the Settlement Deed dated 27.05.2013 executed in favour of the petitioner which was challenged by the legal heirs of the settlor before the Division Bench of this Court in W.A.No.2622 of 2022 on the ground that the said order dated 26.08.2021 came to be passed after the demise of the settlor and the Appeal was allowed relegating the parties before the learned Single Judge.

4. It is the case of the petitioner that the Settlement Deed which was executed and registered in favour of the petitioner by his mother the settlor during her lifetime has been unilaterally cancelled by her. Aggrieved by which, the petitioner has come up with the present Writ Petition questioning the unilateral cancellation of the settlement deed.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



6. The petitioner has questioned the unilateral cancellation of the Settlement deed which was already executed and registered in favour of the petitioner by pointing out that the issue involved in the present case is no longer *res integra* as the similar issue was already considered by the Full Bench of this Court in case of ***Sasikala and others Vs. Revenue Divisional Officer and others*** reported in ***2022 SCC Online Mad 4343***, wherein, it is held that the settlement deed, once registered by the Sub-Registrar is irrevocable. The relevant portion of the Judgement is extracted hereunder:-

“30. In the course of hearing, the judgment of Hon'ble Supreme Court in the case of S.Sarojini Amma V.Velayudhan Pillai Sreekumar, reported in (2018) 6 CTC 108 is cited. The question involved in the Appeal before Hon'ble Supreme Court was whether a document styled as Gift deed but executed for consideration part of which had been paid and the balance promised to be paid, can be treated as formal document or instrument of gift. The appeal arose against the judgment of High Court of Kerala in unilateral cancellation of a deed of conveyance, this Judgment has no relevance in the present context. The question before the High Court was whether the document could be a Deed of Gift or it is in the nature of Will. Though the deed of transfer was executed for consideration, it was found that it was subject to the condition that the Donee would look after the donor and her husband and that the Gift would take effect after the death of Donor. Hence, the Hon'ble Supreme Court held that there was no completed Gift and the Donor was withing her right in cancelling the Deed pointing out that no evidence in proof of acceptance and the Gift doew not become complete during life time of the Donor.

31. Recently a Division Bench of this Court headed by Hon'ble Chief Justice in the case of N.Jeevalakshmi v.N.Maheswarman, reported in (2022) 3 LW 604, considered the maintainablity of writ petition challenging unilateral cancellation of settlement deed. The Division Bench while upholding the maintainability of writ petition, distinguished the judgment of Hon'ble Supreme Court in Satya Pal Anand Case and Specifically held that the order of learned Single Judge allowing the writ petition is not one going contrary to what has been held by the Apex Court. However, the Division Bench has observed in Para 14 of the Judgment that once a deed is registered by the Sub-Registrar, he has



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no power to cancel it and this position is also covered by the judgment of Hon'ble Supreme Court in the case of 'Satya Pal Anand'. The Observation may not be appropriate as the Hon'ble Supreme Court in Satya Pal Anand case has held that a Writ Petition for cancelling the deed of extinguishment cancelling the previous sale deed is not maintainable.

32. Let us consider the judgment of Hon'ble Supreme Court which is the centre of controversy for different or dissenting views. The Judgment of three member Bench of Hon'ble Supreme Court in Satya Pal Anand v.State of Madhyapradesh, reported in (2016) 10 SCC 767 is considered, explained and distinguished by Hon'ble Supreme Court and High Courts in a few judgments above referred to while examining its applicability to cases like the present one. It will be more appropriate to consider the said judgment with reference to facts, since the questions framed and answered by the Hon'ble Supreme Court in the above judgment should be understood in the factual context before drawing legal inference."

7. In the light of the aforesaid judgement, the deed of cancellation of settlement deed executed by the second respondent on 07.02.2014 registered as document No.368/2014 on the file of the 1st respondent is hereby set aside and this Writ Petition is allowed. However, the legal heirs of the settlor are at liberty to work out their remedy before the competent civil forum in the manner known to law. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

18.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

Nhs

To

The Sub Registrar,
Office of the Sub Registrar
(District Registrar Cadre)
Mylapore,
Chennai-600 004.

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