



WEB COPY

WMP No. 26090 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WMP No. 26090 of 2024
in WP No. 28307 of 2022**

V.Sadagopan
S/o. Late A.D.Venkatesa Mudaliyar
D.No.8/22, Sivaprakasam Street,
Vetri Nagar, Thiru.Vi.Ka Nagar,
Chennai 600 082.

Petitioner(s)

Vs

1.The District Collector
Collectorate Campus, Sathuvachari,
Vellore 632 009.

2.The Revenue Divisional Officer
B-Block, 4th Floor, Collectorate
Campus, Sathuvachari, Vellore 632 009

3.The Registrar,
Sub Registrar Office, Kaniyambadi,
Vellore 632 102

4.Inspector of Police
Vellore Taluk Police Station,
Kaniyambadi Vellore 632 102.

5.S.Kirubanandan
S/o.Sadagopan, No.15, Survey Nagar
Extension, Vengikkal,
Thiruvanamalai District 606 604

6.K.Kumar
S/o.Kasi D.No.11, Nachumotor House,
Kolimedu, Palathuvannan,
China Palampakkam, Vellore 632 113.

Respondent(s)



WP No. 28307 of 2022

V.Sadagopan
S/o. Late A.D. Venkatesa Mudaliyar
D. No. 8/22 Sivaprakasam Street, Vetri
Nagar Thiru. Vi.ka Nagar Chennai 600
082

Vs

1. The District Collector
Collectorate Campus,
Sathuvachari, Vellore 632 009
and 5 others.

Prayer: This petition is filed to condone the delay of 58 days in filing the restoration petition.

For Petitioner:	Ms.C.P.Kavitha Renjini
For Respondent:	Mrs.S.Anitha, Special Govt. Pleader for RR1 to 4

ORDER

This Writ Miscellaneous Petition has been filed to condone the delay of 58 days in filing the restoration petition to recall the order dated 25.03.2024 passed in W.P.No.28307 of 2023 and to restore the writ petition on file.

2.The learned counsel for the petitioner would submit that the petitioner is a senior citizen and that out of love and affection, he executed a settlement deed in Doc.No.2905 of 2019, dated 18.12.2019, with respect to a certain property owned by the petitioner, in favour of his son, the fifth respondent, believing that the fifth respondent would take care of the petitioner. Thereafter,



the fifth respondent has settled the very same property in favour of his son, the sixth respondent. However, the fifth and sixth respondents did not take care of the petitioner. Hence, the petitioner made a complaint before the second respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for cancellation of the settlement deed. However, the second respondent rejected the petitioner's complaint vide order dated 11.03.2022 on the ground that the settlement deed executed by the petitioner in favour of the fifth respondent is irrevocable. As against the finding of the second respondent dated 11.03.2022, the petitioner preferred an appeal before the first respondent. Vide the order dated 24.08.2022, the first respondent dismissed the appeal filed by the petitioner. Challenging the same, the present Writ Petition is filed by the petitioner.

3.The learned counsel further submitted that when the writ petition in W.P.No.28307 of 2023, was called for final hearing on 25.03.2024, the writ petition was withdrawn by the learned counsel who appeared for the petitioner, without the consent of the petitioner. Thereafter, the petitioner has filed the present petition to condone the delay of 58 days in filing the restoration petition to recall the order dated 25.03.2024 passed in W.P.No.28307 of 2023 and to restore the writ petition on file.



4. Heard, the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4 and perused the materials available on record.

5. Admittedly, the petitioner has executed irrevocable settlement deed in favour of the fifth respondent, without any condition. In the absence of any condition in the settlement deed, the same cannot be cancelled by the second respondent or the first respondent. This issue has been covered by the Judgment of the Hon'ble Full Bench of this Court, in ***Sasikala Vs. Revenue Divisional Officer and another*** reported in ***2022 SCC online Mad 4343***, wherein the Hon'ble Full Bench of this Court had held that when a settlement deed is executed, the same cannot be cancelled unilaterally. The relevant portion is extracted hereunder;

"31. Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing the executant or the allegation of forgery. When the Registering Authority accept any document for registration despite objections or refuse to register the document, the person aggrieved can file an appeal under Section 72 of the Registration Act. In view of the specific provision under Sections 71 to 77 of the Registration Act, the aggrieved persons may either file an appeal under Section 72 or submit an application before the Registrar as the case may be. When the registrar refused to order the document to be registered under Section 72 or Section



76, it is open to the person aggrieved to institute a civil suit within the local limits of the whose original jurisdiction, the Registrar Office, in which, the document is sought to be registered is situate for a decree directing the document to be registered.

32. The scope of Sections 71 to 76 and the procedure to be followed were considered by the Hon'ble Supreme Court in **Veena Singh's case** reported in (2022) 7 SCC 1. On the combined reading of the provisions of the Registration Act and the Rules approved by the State Government of Tamil Nadu, and the other Provisions relating to Registration of Power of Attorney deed as dealt with by the Hon'ble Supreme Court in the case of **Asset Reconstruction Company (India) Limited-vs-S.P.Velayutham and others**, reported in 2022 SCC Online 544, the registering authority, whether he is exercising a quasi-judicial power, or performing an administrative act, the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law. The Hon'ble Supreme Court in the case of **Suraj Lamp and Industries (P) ltd,-vs-State of Haryana**, reported in (2009) 7 SCC 363, has considered the object of Registration Act, 1908. It is held that registration provides safety and security to transactions relating to immovable property and it gives publicity and public exposure to documents thereby prevent forgeries and frauds in regard to execution of documents. It is further held that Registration gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. Registration ensures that every person dealing with immovable



property can rely with confidence upon the statements contained in the registers (maintained under Registration Act) as a full and complete account of all transactions by which title to the property can be ascertained. Any act or omission of Registrar which may interfere with the transfer or title of anyone has to be deprecated as one against public policy."

6. In view of the law lay down by the Hon'ble Full Bench of this Court in the Judgement cited supra, there is no justification for allowing the present application. Therefore, the Writ Miscellaneous Petition is dismissed.

03-11-2025

Tsg
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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M.DHANDAPANI J.
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