



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16684 of 2020

L.Govindaraj,
No.2/2, Balambigai Nagar III Street,
Ramapuram,
Chennai – 600 089
Rep. By his Power Agent S.Vijaya Mohan

.. Petitioner

Vs.

1.The District Registrar,
Chengulpattu Registration District,
Chengulpattu.

2.The Sub-Registrar,
Sriperumbundur Sub-Registration Office,
Kancheepuram District.

3.M A Abudul Khadar

4.Badrudin Nisha

.. Respondents

(R4 impleaded vide order dated 23.09.2021
made in W.M.P.No.20720 of 2021 in W.P.
No.16684 of 2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Declaration declare that cancellation deed

dated --.06.1994 vide document No.2861 of 1994 on the file of 2nd



respondent is not binding of the petitioner in view of the finding of the Hon'ble Full Bench of this Court dated 11.02.2011 in a batch of cases in W.A.No.592 of 2009.

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For petitioner : Mr.B.Manoharan
For RR 1 & 2 : Mr.U.Baranidharan
Special Government Pleader

ORDER

The subject matter of challenge in the present writ petition pertains to the registration of the cancellation deed dated --.06.1994, registered as document No. 2861 of 1994 on the file of the 2nd respondent, whereby the sale deed executed in favour of the petitioner dated 29.04.1994 was canceled unilaterally.

2.The petitioner purchased the subject property through registered sale deed dated 29.04.1994. Thereafter, the revenue records was also mutated and patta was issued in the name of the petitioner. The grievance of the petitioner is that the 3rd respondent without any notice, created a cancellation deed and presented it for registration before the 2nd respondent and the 2nd respondent entertained this document and



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unilaterally canceled the sale deed which stood in the name of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The issue that is involved in the present writ petition is squarely covered by the judgment of the Full Bench of this Court in the case of ***Latif Estate Line India Ltd., rep. by its Managing Director VS. Hadeeja Ammal and others*** reported in ***2011 (2) CTC 1***. The Full Bench of this Court after considering the entire law on the issue, held as follows:

“59.After giving our anxious consideration on the questions raised in the instant case, we come to the following conclusion:

(i) A Deed of Cancellation of a sale unilaterally executed by the transferor does not create, assign, limit or extinguish any right, title or interest in the property and is of no effect. Such a document does not create any encumbrance in the property already transferred. Hence, such



WEB COPY

W.P.No.16684 of 2020



a Deed of Cancellation cannot be accepted for registration.

(ii) Once title to the property is vested in the transferee by the sale of the property, it cannot be divested unto the transferor by execution and registration of a Deed of Cancellation even with the consent of the parties. The proper course would be to re-convey the property by a deed of conveyance by the transferee in favour of the transferor.

(iii) Where a transfer is effected by way of sale with the condition that title will pass on payment of consideration, and such intention is clear from the recital in the deed, then such instrument or sale can be cancelled by a Deed of Cancellation with the consent of both the parties on the ground of non-payment of consideration. The reason is that in such a Sale



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W.P.No.16684 of 2020



Deed, admittedly, the title remained with the transferor.

(iv) In other cases, a complete and absolute sale can be cancelled at the instance of the transferor only by taking recourse to the Civil Court by obtaining a decree of cancellation of Sale Deed on the ground inter alia of fraud or any other valid reasons.”

4.In the light of the above discussion, the cancellation deed that was entertained by the 2nd respondent whereby the sale deed executed in favour of the petitioner was unilaterally canceled is unsustainable and the relief sought for by the petitioner is granted and accordingly, this Writ Petition stands allowed. No costs.

19.02.2025

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Index : Yes / No

Internet : Yes / No

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W.P.No.16684 of 2020



Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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To

- 1.The District Registrar,
Chengulpattu Registration District,
Chengulpattu.
- 2.The Sub-Registrar,
Sriperumbundur Sub-Registration Office,
Kancheepuram District.

W.P.No.16684 of 2020



WEB COPY

W.P.No.16684 of 2020



(2/2)