



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 33749 of 2022

and

WMP NO. 33267 and 33268 OF 2022

R.Venkatesan

Petitioner(s)

Vs

1. The District Collector
Vellore (Cum) The Chairman of the
Appellate Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
Collectorate, Vellore.

2.The Revenue Divisional Officer
Vellore (cum) The Chairman Of The
Appellate Tribunal For Maintenance
And Welfare Of Parents And Senior
Citizens, Collectorate, Vellore.

3.T.RenuGopal

4.Karunakaran

5.Velmurugan

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in P.M. D3 / 2678 / 2022 and quash the Order dated 21.08.2022 made therein as well as the Order of the 2nd respondent dated 18.11.2020 in M.M. (A2) / 0006 / 2020.



For Petitioner(s): Mr.T.M.Hariharan
For Respondent(s): Mr.M.Rajendiran, Agp For
RR1 And 2
M/s. S.N. Ravichandran,
For R3 (Died)
M/s. P. Ganesan, For R4,R5

ORDER

This petition has been filed seeking to quash the order of the 1st respondent in P.M. D3 / 2678 / 2022 dated 21.08.2022 made therein as well as the order of the 2nd respondent dated 18.11.2020 in M.M. (A2) / 0006 / 2020.

2.It is the case of the petitioner that the third respondent is a father, had settled 5 cents of land in favour of the petitioner under irrevocable settlement deed without any condition. The petitioner has conveyed a portion of the property settled to one Sekar under registered sale deed dated 30.11.2015. The third respondent preferred a petition before the second respondent under 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, contending that his sons are not maintaining him and that the settlement deed is to be cancelled. By proceedings dated 18.11.2020, the second respondent directed that the settlement deed in favour of the petitioner be cancelled. Aggrieved over the same, the petitioner has preferred appeal before the first respondent and the first respondent vide order dated 21.08.2022 confirmed the order of the second respondent. Challenging the same, the present Writ Petition is filed by the



petitioner.

WEB COPY 3. The learned counsel for the petitioner submitted that the Hon'ble Full Bench of this Court in the decision reported in 2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another] has held that a sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled and that 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. Hence, the impugned order is not sustainable one.

4. The learned counsel for the private respondents submitted that during pendency of the writ petition, the father of the petitioner died. Therefore, his legal heirs have been impleaded as respondents 4 & 5.

5. Heard, the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 and the respondents 3, 4 and 5 and perused the materials available on record.

6. Admittedly, the petitioner has executed irrevocable settlement deed in favour of the petitioner, without any condition. In the absence of any condition in the settlement deed, the same cannot be cancelled by the second respondent



or the official respondents. 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 quashi-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."*

7. In view of the above, this Court is inclined to interfere with the impugned order with regard to the cancellation of document dated 21.08.2022 passed by the first



respondent, in terms of the decision of the Hon'ble Full Bench of this Court reported in 2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another].

Accordingly, the order of the first respondent dated 21.08.2022 and the order passed by the second respondent dated 18.11.2020 are hereby set aside. Since the third respondent father died during pendency of the writ petition, the question of maintenance would not arise.

8.The writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

14-10-2025

rlh

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The District Collector
Vellore (Cum) The Chairman of the
Appellate Tribunal for Maintenance and
Welfare of Parents and Senior Citizens,
Collectorate, Vellore.

2.The Revenue Divisional Officer
Vellore (cum) The Chairman Of The
Appellate Tribunal For Maintenance
And Welfare Of Parents And Senior
Citizens, Collectorate, Vellore.



WEB COPY

WP No. 33749 of 2022



M.DHANDAPANI J.
rli

WP No. 33749 of 2022

14.10.2025



WEB COPY

WP No. 33749 of 2022

