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W.P.No.4810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4810 of 2025
and WMP.No.5402 of 2025

N.Karuppusamy

.... Petitioner

Vs

1.The Sub Registrar
Kinathukadavu
Coimbatore District.

2.R.Nachammal

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to call for the records of the impugned deed of cancellation of settlement dated 17.03.2010 executed by the second respondent and presented to and registered by the first respondent as document No.1309/2010 on the file of the first respondent and quash the same.

For Petitioner : Mr.C.Veera Raghavan

For Respondents : Mr.U.Baranidharan
Special Government Pleader for R1
R2 - Died (Memo filed)



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ORDER

This writ petition has been filed challenging the registration of unilateral cancellation of settlement deed dated 17.03.2010 executed by the second respondent, which was registered by the first respondent as Document No.1309/2010.

2. The specific case of the petitioner is that the second respondent is the grandmother of the petitioner. She was the owner of the subject property. The second respondent executed a settlement deed 16.06.2008 in favour of the petitioner, which was registered as Document No.1014 of 2008. Thereafter, the second respondent had unilaterally cancelled the settlement deed through a cancellation deed dated 17.03.2010, which was entertained by the first respondent and entered as Document No.1309 of 2010. The same has been put to challenge in the present writ petition.

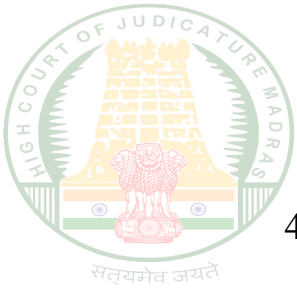
3. When the matter came up for hearing on 11.03.2025, the learned



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counsel for the petitioner submitted that the private notice that was sent to the second respondent was returned with an endorsement 'addressee cannot be located'. However, he had instructions to the effect that the second respondent was dead. Hence, the learned counsel for the petitioner sought for some time to file a memo in this regard. Accordingly, a memo was filed by the learned counsel for the petitioner today and the same is extracted hereunder :

"It is humbly submitted by the petitioner that the petitioner filed the above writ petition challenging the unilateral cancellation of settlement deed dated 17.03.2010 executed by the 2nd respondent and presented and registered by the 1st respondent as document No.1309/2010 on the file of the 1st respondent and quash the same. The writ petition was come up for admission before this Hon'ble Court on 18.02.2025. This Hon'ble Court was pleased to order private notice to the 2nd respondent returnable by 11.03.2025. The private notice sent to the 2nd respondent was returned with an endorsement "addressee cannot be located". The same was enquired with the petitioner, the petitioner was informed to the counsel that the 2nd respondent was died on 13.12.2011 leaving behind Poovathal, Nanjathal and Mylathal as her legal heirs. The petitioner is the son of Mylathal."



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4. Heard Mr.C.Veera Raghavan, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for the first respondent.

5. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and also considering the fact that the second respondent died in the year 2011 itself and the petitioner is in fact the son of one Mylathal, who is the daughter of the deceased second respondent, this Court is not inclined to go into the legality of the deed of unilateral cancellation of the settlement.

6. The issue involved is squarely covered by the decision of Full Bench of this Court in ***Sasikala Vs Revenue Divisional Officer cum Sub Collector, Devakottai & Others*** reported in ***2022 5 CTC 257***. The Full Bench has held that such unilateral cancellation of settlement deed is *non-est* in the eye of law.

7. In view of the above, the unilateral cancellation of settlement deed dated 17.03.2010 which was registered as Document No.1309/2010 by the



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first respondent is declared as null and void and accordingly, the settlement deed that was executed in favour of the petitioner on 16.06.2008 which was registered as Document No.1014 of 2008 is restored.

8. Accordingly, the writ petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

18.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ds

To:

The Sub Registrar
Kinathukadavu
Coimbatore District.



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N. ANAND VENKATESH., J

ds

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