



Writ Petition No.5350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5350 of 2025

Chandrasekar
S/o.Munusamy

Petitioner

Vs

1. Inspector General Of Registration
No.100, Santhome High Road,
Pattinampakkam, Chennai- 600 028.

2.The Sub Registrar
Office of the Sub Registrar,
No.29/2, 1st Street, Akbarabath,
Kodambakkam, Chennai- 600 024.

3.M.Suseela
W/o.Munusamy Mudaliar

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the cancellation of Settlement Deed dated 01.11.2011 registered as Doc.No.3535/2011 on the file of the SRO, Kodambakkam and quash the same.

For Petitioner : Mr.R.Subramoniam

For Respondents : Mr.P.Harish
Government Advocate [R1 & R2]
Mr.S.Silambuselvan [R3]



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Writ Petition No.5350 of 2025

ORDER

This writ petition has been filed challenging the unilateral cancellation of the Settlement Deed dated 10.02.2011 through a Cancellation Deed dated 01.11.2011, which was registered as Document No.3535 of 2011.

2. Heard Mr.R.Subramoniam, learned counsel for petitioner, Mr.P.Harish, learned Government Advocate appearing for respondents 1 and 2 and Mr.S.Silambuselvan, learned counsel appearing for third respondent.

3. The issue involved in the present writ petition is covered by the judgment of the Full Bench of Madurai Bench of this Court in ***Sasikala v. Revenue Divisional Officer-cum-Sub Collector and another*** [2022 (5) CTC 257]. The Full Bench of this Court has held that such unilateral cancellation is unsustainable. The relevant portions are extracted hereunder:

"44.

- (a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.



WEB COPY



Writ Petition No.5350 of 2025

- (b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.
- (c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.
- (d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.
- (e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.
- (f) 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, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.
- (g) The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest."

4. It is clear from the above that insofar as revocation/ cancellation of the Settlement Deed is concerned, only in a case which falls under Section 126 of the Transfer of Property Act, the same is permissible. In the case in hand, the Settlement Deed executed in favour of the petitioner makes it abundantly clear that the third respondent has not retained any right to cancel the Settlement Deed and has confirmed the fact that the petitioner will become the absolute owner of the property from the date of execution of the Settlement Deed.



Writ Petition No.5350 of 2025

5. In view of the above, the registration of the unilateral cancellation deed executed by the third respondent is non-est and the same is liable to be interfered with by this Court. If at all, the third respondent has any other grievance, it has to be agitated only before the competent Court. Accordingly, the cancellation of Settlement Deed dated 10.02.2011 through a Cancellation Deed dated 01.11.2011, which was registered as Document No.3535 of 2011 by the second respondent is hereby quashed. There shall be a direction to the second respondent to cancel the said entry in the encumbrance register within a period of two (2) weeks from the date of receipt of a copy of this order. As a consequence, the settlement deed that was executed in favour of the petitioner by the third respondent will stand restored.

In the result, this writ petition is allowed in the above terms.

No costs.

21.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



Writ Petition No.5350 of 2025

To
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WEB COPY



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N.ANAND VENKATESH, J

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Writ Petition No.5350 of 2025

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