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WP No. 31837 of 2018



DATED: 22-09-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 31837 of 2018
& WMP.Nos.37077 & 37079 of 2018**

Hemkumar

S/o.Bhimsingh, No.6 B, 4th Street,
3rd Floor, Ulsoor, Bangalore-560 008

Petitioner(s)

Vs

1. The Inspector General of
Registration, Santhome High Road,
Chennai-600 004

2.The Sub-Registrar
Katpadi Sub-Registrar Office,
Katpadi, Vellore District

3.Mrs.Anu @ Anushiya
W/o.Hemkumar, No.967, 4th Block,
2nd Main Road, Rajaji Nagar, Bangalore
West Range, Karnataka.

4.J.Gunavelan
S/o.Janarthanan, No.3/352 Bajanai Koil
Street, Brammapuram Village,Katpadi
Taluk, Vellore District.



5.M.Kanniyappan
S/o.Mayan, 3rd Street, K.N.Road,
Vellaikkal Medu, Katpadi,
Vellore-632 007

6.A.P.Sathiyamoorthy
S/o.A.K.Padmanaba Reddy, No.1,
Maasi Reddy Street, Krishnapuram,
Ambur Taluk, Vellore District

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the entire records on the file of the 2nd respondent herein i.e the Sub-Registrar, Katpadi, Vellore Culminating in the cancellation of the Settlement Deed dated 30.01.2015 registered in Document no.729 of 2015 and as well as the subsequent Sale Deed dated 27.02.2015 registered in Document No.1744 of 2015, and also another impugned subsequent Sale Deed dated 28.05.2015 registered in Document No.4585 of 2015 in the office of the Sub Registrar Katpadi Vellore i.e. the 2nd respondent and to quash the same as illegal and consequently direct the 2nd respondent herein i.e. the Office of the Sub-Registrar Katpadi, Vellore to cancel the entries in the encumbrance certificate in the Office of the Sub-Registrar Katpadi Vellore.

For Petitioner(s): M/s.B.Ganesha Moorthy
K.Karuppaiya Mooppanar
L.Chakravarthi

For Respondent(s): Mr.R.Sasikumar, GA for R1 &
R2
R3 – party-in-person
Mr.V.Karthikeyan for R4
No appearance for R5 & R6

**ORDER**

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This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus to call for the entire records on the file of the 2nd respondent herein i.e the Sub-Registrar, Katpadi, Vellore Culminating in the cancellation of the Settlement Deed dated 30.01.2015 registered in Document no.729 of 2015 and as well as the subsequent Sale Deed dated 27.02.2015 registered in Document No.1744 of 2015, and also another impugned subsequent Sale Deed dated 28.05.2015 registered in Document No.4585 of 2015 in the office of the Sub Registrar Katpadi Vellore i.e. the 2nd respondent and to quash the same as illegal and consequently direct the 2nd respondent herein i.e. the Office of the Sub-Registrar Katpadi, Vellore to cancel the entries in the encumbrance certificate in the Office of the Sub-Registrar Katpadi Vellore.

2.The case of the petitioner is that the petitioner is the husband and the third respondent is his wife. The third respondent wife owned a property in Sy.No.697/1C, Andal Nagar Layout Plot No.59, Katpadi Village, Katpadi Taluk, Vellore District and out of love and affection she settled the said property in



favour of the petitioner vide Settlement Deed dated 24.08.2006 in Doc.No.4981 of 2006. Subsequently, in the year 2015, the third respondent/wife deserted the petitioner due to difference of opinion and had unilaterally cancelled the above said Settlement Deed by way of a Deed of Cancellation of Settlement Deed dated 30.01.2015 in Doc.No.729 of 2015 and on the very same day executed a Deed of General Power of Attorney dated 31.01.2015 in Doc.No.730 of 2015 in favour of the fourth defendant.

3. Based on the above said Deed of General Power of Attorney, the fourth respondent had sold out the above said property to and in favour of the fifth respondent by way of a registered Sale Deed dated 27.02.2015 in Doc.No.1744 of 2015. Thereafter, the fifth respondent sold out the property to and in favour of the sixth respondent herein by way of a registered Sale Deed dated 28.05.2015 in Doc.No.4585 of 2015. Challenging the Deed of Cancellation of Settlement Deed and the subsequent two other Sale Deeds, the petitioner has filed the present Writ Petition.



4. The learned counsel for the petitioner submitted that the registration of the Deed of Cancellation of Settlement is not valid when the Settlement Deed is irrevocable and hence, sought for allowing the present Writ Petition.

5. Heard the learned counsel for the petitioner and learned Government Advocate appearing on behalf of the respondents 1 to 3. Though the names of the respondents 5 and 6 have been printed in the cause-list, none appeared on behalf of the respondents 5 and 6.

6. The third respondent/wife appeared in person before the Court and submitted that out of love and affection, she executed the Settlement Deed in favour of her husband/petitioner and that though she was not willing to cancel the Settlement Deed in favour of her husband and she was forced to execute the Deed of Cancellation of Settlement by certain people .

7. In *Sasikala Vs. Revenue Divisional Officer and another* reported in **2022 SCC online Mad 4343**, 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*



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*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*



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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."

8. In view of the law lay down by the Hon'ble Full Bench of this Court in the Judgement cited supra, the Deed of Cancellation of Settlement Deed dated 30.01.2015 and the Sale Deeds dated 27.02.2015 and 28.05.2015 are set aside. The Writ Petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

22-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/N



WP No. 31837 of 2018



To

1.The Inspector General of Registration
Santhome High Road, Chennai-600 004

2.The Sub-Registrar
Katpadi Sub-Registrar Office, Katpadi
Vellore District



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M.DHANDAPANI J.

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M. DHANDAPANI, J.

This matter has been listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. When the matter is taken up for hearing, learned counsel for the petitioner submitted that, an inadvertent error has crept in the order dated 22.09.2025 wherein, the Doc No of the Settlement Deed dated 24.08.2006 has been wrongly mentioned as '4981' instead of '4987' in para 2 of the order and therefore, it is prayed that necessary orders may be passed to correct the said error.

3. Learned counsel appearing on either side fairly concedes to the above