



W.P(MD)No.2666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.2666 of 2024

and

W.M.P.(MD)Nos. 2675 and 2676 of 2024

1. Panner Selvam
2. Athisivan

... Petitioners

Vs.

The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Madurai District.

...Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare that the unilateral cancellation deed dated 03.01.2008 bearing Document No.17/2008 executed by Late.Sakkarai Subbiah Thevar as null, void and consequently, to quash the records of the respondent, dated 30.01.2024, in refusal check slip No. RFC/Chokkanoorani/3/2024, to quash the same as the same is arbitrary ultravires. *(Prayer amended, vide Court order, dated 24.06.2025 in W.M.P.(MD)No.13035 of 2025 in W.P.(MD)No.2666 of 2024)*

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondent

: Mr.S.Saji Bino
Special Government Pleader



W.P(MD)No.2666 of 2024

ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Declaration, to declare that the unilateral cancellation deed dated 03.01.2008 bearing Document No.17/2008 executed by Late.Sakkarai Subbiah Thevar as null, void and consequently, to quash the records of the respondent, dated 30.01.2024, in refusal check slip No. RFC/Chokkanoorani/3/2024.

2. It settled proposition of law that the settlement deed cannot be unilaterally cancelled as per Full Bench judgment. Hence the unilaterally cancellation deed, dated 03.01.2008 is illegal.

3. Having held so, the petitioners are the owner of the property based on the settlement deed dated 31.12.2007. Consequently, the petitioners are entitled to deal with the property. It is seen that the petitioner is trying to mortgage the property by depositing the title in favour of the bank in order to obtain the loan.

4. Since the unilateral cancellation is set aside and the petitioner is entitled to the property, therefore, the respondent is directed to register the mortgage by deposit of title deeds within a period of 4 weeks from the date of receipt of a copy of this order.



W.P(MD)No.2666 of 2024

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg

To:

The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Madurai District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.2666 of 2024**

DATED : 25.06.2025