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W.A.(MD)NO.1111 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1111 of 2025 AND

C.M.P.(MD)No.7001 of 2025

A.Ramjan Beevi

... Appellant / Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The District Registrar,
Ramanathapuram,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

4. The Sub Registrar,
Keelakkarai,
Ramanathapuram.

5. The Tahsildar,
Keelakkarai,
Ramanathapuram.

... Respondents/Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 13.03.2025 in W.P.(MD)No.6767 of 2025 on the file of this Court and allow the writ appeal.

For Appellant : Ms.H.Jasima Jasmin,
for M/s.Ajmal Associates.

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

This intra-court appeal is directed against the order dated 13.03.2025 dismissing W.P.(MD)No.6767 of 2025 filed by the appellant herein.

2. The mother of the appellant namely, Seeni Syedammal executed a settlement deed in favour of the appellant on 25.11.1997 and it was registered vide document No.1327 of 1999 on the file of the Sub Registrar, Keeazhakarai. According to the appellant, all the ingredients needed to effectuate the gift were fulfilled and patta was also mutated in her favour and she had taken possession and was in enjoyment of the property. A copy of the patta transfer order dated 04.11.1999 issued by the Zonal Deputy Tahsildar, Ramanathapuram



and patta No.506 in favour of the appellant have been enclosed in the typed set of papers.

3. The appellant came to know in the year 2025 that this settlement deed was subsequently unilaterally cancelled by her mother on 22.10.2002 vide document No.1720 of 2002. Challenging the registration of the unilateral cancellation, the appellant filed W.P. (MD)No.6767 of 2025. The learned single Judge dismissed the writ petition.

4. Challenging the same, this writ appeal has been filed.

5. The appellant ought not to have placed reliance on the decision of the Hon'ble Full Bench in the decision reported in **2022 (5) CTC 257 (Sasikala V. The Revenue Divisional Officer)**. The said Full Bench decision pertains to the provisions relating to the gift as per Section 126 of the Transfer of Property Act, which falls under Chapter VII. Section 129 of the Transfer of Property Act clearly exempts Muslims from the entire operation of Chapter VII. Hence the said case could not have pressed into service. But then, the case on



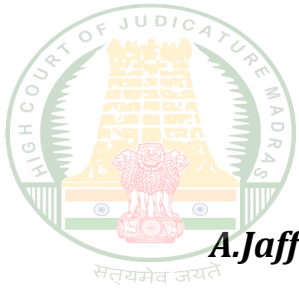
hand is squarely covered by the earlier decision of the Hon'ble

Division Bench reported in **CDJ 2018 MHC 5643 (A.Sidiq Fatima V.**

A.Jaffar Hameed). The Hon'ble Division Bench had held that once the settlement deed is executed, the title passes on to the settlee. If at all, the same has to be recovered, it can only be done by a reconveyance of the property and there cannot be any unilateral cancellation. In any event, the registration of the unilateral cancellation of the gift deed in the case on hand is void.

6. The learned Additional Government Pleader pointed out that the writ petitioner had belatedly approached the writ Court and that she was non-suited on the ground of laches. The doctrine of laches cannot be mechanically applied. It is specifically averred by the appellant that she became aware of the cancellation of the gift deed only recently and that is the reason for belatedly invoking the writ Court's jurisdiction. We do not find any merit in the contention of the learned Additional Government Pleader.

7. We are satisfied that the case on hand is squarely covered by the said decision. Respectfully following the decision of the Hon'ble Division Bench reported in **CDJ 2018 MHC 5643 (A.Sidiq Fatima V.**



A.Jaffar Hameed), the order impugned in the writ appeal is set aside.

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The registration of the document No.1720 of 2002 dated 22.10.2002 is quashed. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
13th June 2025

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

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