



W.P.(MD)No.10629 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD).No.10629 of 2025

R.Tholgappian

... Petitioner

-VS-

1. The Sub Registrar,  
Karaikudi Joint-II,  
Sivagangai District.

2. The District Registrar,  
Karaikudi,  
Sivagangai District.

3. Nithyadarshini

4. Manimegalai

5. Veerapandi Subbiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Declaration declaring the impugned unilateral cancellation deeds bearing document No.2972 of 2003 dated 22.09.2003 and Document No.1723 of 2006 and the subsequent settlement deeds bearing Document No.1733 of 2006 dated 13.04.2006 and Document No. 7306 of 2010 dated 27.09.2010 on the file of the 1<sup>st</sup> respondent as illegal,



W.P.(MD)No.10629 of 2025

null and void, without jurisdiction, against public policy and not binding on the petitioner and consequently direction the 1<sup>st</sup> respondent to delete the entries in respect of the above mentioned documents from the concerned registers.

|                |                          |
|----------------|--------------------------|
| For Petitioner | : Mr.J.Saravana vel      |
| For R1 and R2  | : Mr.S.Kameshwaran       |
|                | Government Advocate      |
| For R3 to R5   | : Mr.S.Srinivasaraghavan |

### **ORDER**

The writ petition is filed for a declaration to declare the unilateral cancellation of settlement deeds bearing document No.2972 of 2003 dated 22.09.2003 and Document No.1723 of 2006 and the subsequent settlement deeds bearing Document No.1733 of 2006 dated 13.04.2006 and Document No.7306 of 2010 dated 27.09.2010 as null and void and consequently, direct the 1<sup>st</sup> respondent to delete the entries in respect of the cancellation deed.

2. Initially the settlement deed in Doc.No.1346/1983 was executed by the petitioner's father namely Ramaiah in favour of the petitioner and his brother on 22.08.1983. The same was cancelled vide Doc.No.2972 of 2003 dated 22.09.2003.

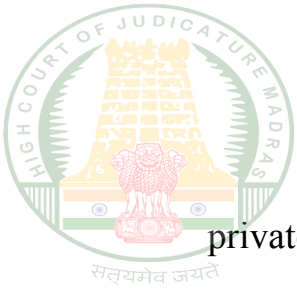


W.P.(MD)No.10629 of 2025

**WEB COPY** 3. Again another Cancellation Deed was executed by the same Ramaiah for the second time cancelling the very same settlement deed vide Doc.No.1723/2006 dated 13.04.2006. Subsequently, another Settlement Deed was executed by Ramaiah in favour of the respondents 3 to 5 vide Doc.No.1733 of 2006. Then another settlement vide Doc.No.7306/2010 dated 27.09.2010.

4. Aggrieved by the Settlement Deed and Cancellation Deed, the petitioner's brother filed a suit in O.S.No.33 of 2009, declaring cancellation deed and subsequently settlement deed executed by the said Ramaiah as invalid. The same was decreed on 21.02.2011. Thereafter, the private respondent herein filed a separate suit in O.S.No.197 of 2020 claiming right under the impugned Settlement Deed. The said suit was dismissed based on the Order 12 Rule 6 of CPC in I.A.No.3 of 2020 in O.S.No.197 of 2020 on 11.11.2020.

5. Aggrieved by the same, the private respondents has preferred an appeal suit in A.S.No.4 of 2021 and the same is pending. In spite of cancellation of the Settlement Deed through the Judgment and Decree, the



W.P.(MD)No.10629 of 2025

private respondents are still troubling the petitioner by presenting certain documents and the respondents also entertaining the said deeds. Therefore, the present writ petition is filed.

6. The basic issue in the present writ petition is unilateral cancellation of the settlement deed. It is a settled proposition of law by the Hon'ble Full Bench of this Court that unilateral cancellation of the settlement deed is illegal. Rightly the private respondents have to approach the Civil Court and appeal suit is pending. Until then the private respondents cannot encumber the property.

7. Therefore, the relief sought for by the petitioner in the present writ petition stands allowed. No costs.

**05.08.2025**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
rgm



W.P.(MD)No.10629 of 2025

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2. The District Registrar,  
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W.P.(MD)No.10629 of 2025

**S.SRIMATHY, J.**

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W.P(MD).No.10629 of 2025

05.08.2025