



W.P(MD)No.12813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12813 of 2024

and

W.M.P(MD)No.11387 & 11390 of 2024

S.Kaliyammal

... Petitioner

Vs.

1. The Sub Registrar,
Vadamadurai Sub-Registration Office,
Dindigul District.

2. Manimegalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned registration of unilateral cancellation deed of Settlement in Document No.4236 of 2008 dated 16.12.2008 declared as null and void and consequently direct the first respondent to remove the entry of encumbrance made regarding same of his office.

For Petitioner : Mr.P.Manikandan

For R-1 : Mr.D.Sasikumar
Additional Government Pleader

For R-2 : No appearance



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned registration of unilateral cancellation deed of settlement dated 16.12.2008 and consequently direct the first respondent to remove the entry of encumbrance.

2. The petitioner's mother had executed a registered settlement deed in the name of the petitioner on 26.08.2008. Subsequently, she executed a unilateral cancellation deed of settlement on 16.12.2008. It is a settled proposition of law that a unilateral cancellation of settlement deed is illegal. Further, it is seen that after execution of settlement deed in favour of the petitioner, the petitioner's mother executed a Will in favour of the second respondent. However, the said Will was executed only after the cancellation of the settlement deed. Now, the second respondent is claiming right over the property based on the said Will.

3. This Court issued notice to the second respondent. Though notice was served, she has not appeared before this Court.

4. As per the judgment of this Court in W.P.(MD) No.18592 of 2015 dated 01.08.2023, it is a settled proposition of law that a unilateral cancellation of a



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registered settlement deed is illegal. Therefore, the unilateral cancellation deed dated 16.12.2008 is hereby set aside. The first respondent is directed to carry out the necessary rectification in the register within a period of four (4) weeks from the date of receipt of a copy of this order.

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

19.06.2025

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

jbr

To:

The Sub Registrar,
Vadamadurai Sub-Registration Office,
Dindigul District.



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S.SRIMATHY, J.

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ORDER MADE IN
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