



W.P.(MD)No.17863 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.08.2025

CORAM:

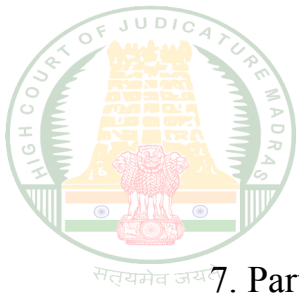
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.17863 of 2025

1. Elangovan
 2. Thambidurai @Rajendra Kumar
 3. Kalaivanan
 4. Bhagyalakshmi
 5. Selvaraj
- ... Petitioners

-vs-

1. The District Registrar,
Madurai District,
Madurai.
2. The Sub registrar,
Sindhupatti,
Madurai District.
3. The Sub-Registrar,
Elumalai,
Madurai District.
4. Jaya Jothi
- 5 Aruna Devi
6. Vijayakumari



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7. Parthiban

8. Isai Nila

9. Jeyasurya

10. Vetrivel

11. R. Marudhu Pandi Kannan

12. Palaniselvan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for entire records relating to registration of cancellation of settlement deed vide Doc.1411/2011 dated 29.06.2011 on the file of the 2nd respondent and quash the same.

For Petitioner	: Mr.N.Dilip Kumar for Mr.S.Vishnuvardhan
For R1 to R3	: Mr.S.Kameshwaran Government Advocate
For R4 to R10	: Mr.M.Karthikeya Venkatachalapathy
For R11 & R12	: No Appearance

ORDER

The writ petition filed a Writ of Certiorarified Mandamus to quash the registration of cancellation of settlement deed vide Doc.1411/2011 dated 29.06.2011.



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WEB COPY 2. The brief facts are that the petitioners are the sons and daughters of famous film actor S.S.Rajendran. In the year 1968, he had executed a Settlement Deed in Document No.4318 of 1968 on 29.11.1968.

3. Thereafter, the legal heirs have dealt with the property. But, in the meanwhile, the said S.S.Rajendran had given a letter of authority on 15.07.1985. This Court doubts whether the name can be considered as a letter of authority. But it may be considered as an unregistered Sale Deed. It is seen, the respondents have acted upon the un-registered Sale Deed mutated the revenue records and obtained Joint Patta in patta Pass Book No. 443. The petitioners approached the revenue authorities for cancellation of Joint Patta Pass Book but the same was not taken to logical end. Now the private respondents claims that based on the letter of authority/unregistered sale deed they have acted upon the same and had paid tax, mutated the revenue records and has dealt with the property and is in enjoyment and possession of the property. Therefore, the private respondents vehemently objected for quashing the cancellation of settlement deed in Doc.1411/2011 dated 29.06.2011.



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WEB COPY 4. The learned counsel appearing for the petitioner submitted that for the very same Settlement Deed another writ petition was filed in W.P.(MD)No.5840 of 2025 and this Court vide order dated 26.11.2024 has allowed the writ petition. After allowing the writ petition, the private respondents have preferred a suit in O.S.No.290 of 2025 on the file of Sub Court Thirumangalam. The same is transferred to the file of the IV Additional District Court, Thirumangalam and is pending.

5. Aggrieved over the same, the 4th respondent has preferred writ appeal, which is in condoned delay stage and the same is pending adjudication. Therefore, the respondents submitted that the present writ petition cannot be entertained.

6. After hearing the rival submissions this Court is of the considered opinion that once the Settlement Deed is executed then the settlor will not have any right over the property. Therefore, the unilateral cancellation is totally illegal. The said issue is also considered by this Court in various decisions, wherein it has been clearly declared unilateral cancellation is illegal.



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WEB COPY 7. Therefore, this Court is of the considered opinion that unilateral cancellation of settlement deed dated 29.06.2011 is illegal. Thus, the impugned order dated 29.06.2011 is set aside. Accordingly, the writ petition stands allowed. However, it is made clear that the above observations may not be impediment in canvassing the rights of the parties in the Civil Court. The other pleas are available to the respondents, however, the plea of unilateral cancellation is not available to the respondents. No costs.

05.08.2025

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



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S.SRIMATHY, J.

rgm

To

1. The District Registrar,
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2. The Sub registrar,
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3. The Sub-Registrar,
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