

CRP(MD). No.1145 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (PD) (MD). No.1540 of 2018 and WP(MD) No.12424 of 2024
and CMP(MD) No.6717 of 2018**

CRP(MD) No.1540/2018

S.K.Suresh

... Petitioner

Vs

1.S.K.Rajan

2.S.K.Anusuya

3.The Madurai City Municipal Corporation
represented by its Commissioner,
Having Office at Anna Maaligai
Alagarkoil Road
Tallakulam
Madurai.

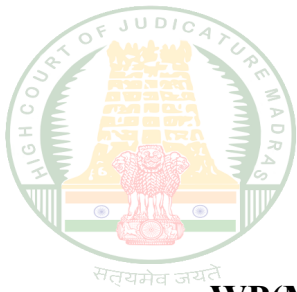
4.S.R.Anirudhan

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the
Constitution of India against the order dated 20.06.2018 in memo dated
10.11.2016 in O.S.No.654 of 2011 on the file of Additional District
Munsif Court, Madurai Town.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.K.Sivabalan for R3



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Mr.M.Rajaraman for R4

WP(MD) No.12424/2024

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S.K.Suresh

... Petitioner

Vs

1.The Joint Registrar No.I,
Madurai South
Madurai District
Madurai

2.S.K.Anusuya

3.S.R.Anirudhan

... Respondents

(R3 was impleaded as respondent vide
order of this Court dated 04.06.2025
in WMP(MD) No.26355/2024)

PRAYER :-Writ Petition filed under Article 227 of the Constitution of India for issuance of a writ of certiorari to call for the records in Document No.7368/2013 dated 26.09.2013 on the file of the 1st respondent and quash the same as illegal, incompetent, void and for consequential orders.

For Petitioner : Mr.S.Ramesh
For Respondents : Mr.B.Saravanan for R1
Additional Government Pleader

COMMON ORDER

Since both the civil revision petition as well as the writ petition revolves around the same property and the issue in both the cases and the



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parties in both the cases are one and the same, they were heard together and disposed of by way of this common order.

2. The Civil Revision Petition is filed against the order dated 20.06.2018 in memo dated 10.11.2016 in O.S.No.654 of 2011 on the file of Additional District Munsif Court, Madurai Town.

3. The writ petition is filed challenging the unilateral cancellation dated 26.09.2013 by the first respondent.

4. The learned counsel for the petitioner would submit that the first and 2nd respondents are brother and mother of the petitioner respectively and during the pendency of the civil revision petition, the first respondent/brother died and hence his son is impleaded as 4th respondent. The deceased first respondent filed a suit in OS No.654/2011 on the file of the Additional District Munsif Court, Madurai for declaration declaring the settlement deed executed by the 2nd respondent in favour of the petitioner is null and void dated 21.02.2011 and during the pendency of the suit, the 2nd respondent unilaterally cancelled the settlement in



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favour of the petitioner on 26.09.2013 and in view of the subsequent cancellation, the first respondent deceased filed a memo before the trial Court for exonerating the petitioner as well as the 2nd respondent and the said memo was allowed in his favour. Challenging the same, the petitioner is before this Court with the civil revision petition.

5. Challenging the unilateral cancellation of the settlement deed dated 26.09.2013 by the 2nd respondent, the petitioner also filed writ petition in WP(MD) No.12424/2024.

6. The learned counsel for the petitioner would submit that in view of the decision rendered by the Full Bench of this Court in [*Sasikala vs. Revenue Divisional Officer cum Sub Collector and another made in W.P. (MD).Nos.6889 of 2020 etc., batch cases dated 02.09.2022 and also in Latif Estates v Hadeeja Ammal reported in (2011) 2 Mad LJ 569*], the unilateral cancellation is impermissible unless the second respondent reserved life interest or condition imposed in the settlement deed. In this case, the 2nd respondent executed a settlement deed absolutely without any condition and hence, unilateral cancellation is impermissible and



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hence, he prays for appropriate direction.

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7. Though the name of the 2nd respondent is printed, none appeared.

8. The learned counsel for the 4th respondent would submit that in view of the Full Bench judgment of this Court (supra), this Court may restore the suit as against the 2nd and 4th respondents on the file of the Additional District Munsif Court, Madurai, and permitted the 4th respondent to proceed the suit in the manner known to law.

9. I have considered the rival submissions and perused the materials available on record.

10. In view of the submission made by the learned counsel for the petitioner and the learned counsel for the 4th respondent, this Court is of the considered view that the decision of the Full Bench with regard to unilateral cancellation, the unilateral cancellation is impermissible and hence, the writ petition is allowed. Accordingly, the memo exonerating the petitioner as well as the 2nd respondent is hereby set aside and the



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civil revision petition is allowed and the suit is restored to its file and the trial Court shall proceed with the suit in the manner known to law. No costs. Consequently connected Miscellaneous Petitions are closed.

04.06.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Additional District Munsif, Madurai.

2.The Joint Registrar No.I,
Madurai South
Madurai District
Madurai

3.VR Section
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP (PD) (MD). No.1540 of 2018 and WP(MD) No.12424 of 2024**

Date : 04/06/2025