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W.P.(MD)NO.3564 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3564 of 2016 AND

W.M.P.(MD)No.3188 of 2016

Jenita Darathy

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai.

2. The District Registrar,
Polnayakkanpettai,
Near New Bus Stand,
Thoothukudi-2.

3. The Sub Registrar,
4/100-2, Muthu Tower,
Main Road, Pudukottai,
Thoothukudi District.

4. Saiman

5. Xavier Maryammal

6. Rajathi

(R-6 is impleaded vide order dated 10.09.2025
in W.M.P.(MD)No.24627 of 2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the third respondent pertaining to the impugned cancellation deed dated 06.02.2015 bearing document



No.363/15 executed unilaterally by the respondents 4 and 5 cancelling the settlement deed dated 20.04.2006 bearing document No.1340/06 in respect of the property with building comprised in survey No.324/5 at Kumarakiri @ Pudukottai Village, Tiruchendur Taluk, Thoothukudi District and quash the same regarding the above property alone, as the same is arbitrary, contrary to principles of natural justice oppose to public policy.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.D.Gandhiraj,
Special Government Pleader
for R-1 to R-3.
Mr.S.Kadarkarai for R-5.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fifth respondent.

2. The fourth respondent has however passed away.

3. The respondents 4 and 5 jointly executed a settlement deed dated 20.04.2006 in favour of the writ petitioner's minor children vide document No.1340/2006 on the file of the Sub Registrar, Pudukottai. The said settlement was unilaterally cancelled



by the respondents 4 and 5 on 06.02.2015. The Hon'ble Full Bench of this Court in the decision reported in ***AIR 2011 MADRAS 66 (Latif Estate Line India Ltd., Vs. Mrs.Hadeeja Ammal)*** had held that such deed of unilateral cancellation cannot be registered.

4. It is also seen that subsequently the fifth respondent and her daughter had filed O.S.No.49 of 2017 on the file of the District Munsif, Thoothukudi impeaching the validity of the settlement deed dated 20.04.2006. The fact that the respondents 4 and 5 subsequently instituted the suit indicates that they themselves were not sure about the validity of the cancellation deed. It appears that the suit was also subsequently dismissed. The registering authority could not have registered the impugned cancellation deed dated 06.02.2015. The said registration is illegal and is quashed. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

To:

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
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