



W.P.(MD)No.21545 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **21.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.21545 of 2017

and

W.M.P.(MD)No.17828 of 2017 & 19779 of 2019

Ponnambalam

... Petitioner

Vs.

1. Sub-Registrar,
Viralimalai Town & Taluk,
Pudukottai District.

2. Ayyasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records on the file of the 1st respondent pertaining to its settlement cancellation deed in document No. 1953/2016 dated 27.09.2016 and to quash the same.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.R.Baskaran

Additional Advocate General

assisted by

Mr.S.P.Maharajan

Special Government Pleader (R1)

Mr.A.Vadivel (R2)



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ORDER

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Challenge in this writ petition is to the unilateral cancellation of the settlement deed made by the second respondent.

2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. The issue with regard to unilateral cancellation is no more *res integra* and the same had been concluded by the Full Bench of this Court in the case of ***Sasikala V. Revenue Divisional Officer-cum-Sub Collector*** reported in **2022 (5) CTC 257**. Further, the Hon'ble Apex Court, in the recent judgment in the case of ***Urmila Dixit vs. Sunil Sharan Dixit*** in ***Civil Appeal No. 10927 of 2024*** dated **02.01.2025** that settlement deed could be cancelled unilaterally, only if there is a condition in the settlement deed, which prescribes the condition to the settlee that he will maintain the settler.

4. In the present case, there is no such condition and hence the same could have to be set aside. However, considering the fact that the second respondent is the father of the petitioner, this Court had required the petitioner to file an undertaking affidavit that he would take care of his father.



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Accordingly, the petitioner filed an undertaking affidavit dated 08.01.2025 stating that his father had went out of his house only on his own accord and the petitioner would take care of his father's life interest throughout his lifetime as dutiful.

5. Since the second respondent is not living with the petitioner, it is imperative that the said undertaking would only be salvaged by the petitioner by making reasonable amount to the second respondent on monthly basis. In view of the said undertaking, the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the second respondent on or before 5th of every English calendar month.

6. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

21.01.2025

NCC : Yes / No
Index : Yes / No
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K.KUMARESH BABU, J.

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TO:-

1. The Sub-Registrar,
Viralimalai Town & Taluk,
Pudukottai District.

Order made in
W.P.(MD)No.21545 of 2017

Dated
21.01.2025