



W.P(MD)No.26007 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26007 of 2025

&

W.M.P.(MD)Nos.20336 & 20339 of 2025

Abdul Wahab

... Petitioner

Vs.

1.The Joint Registrar-1
Tirunelveli District,
Tirunelveli.

2.Anarkali

3.M.Beema John

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned settlement deed in Document Nos.768 of 2011 dated 21.06.2011 executed by the 3rd respondent in favor of the 2nd respondent and quash the same as illegal and consequently direct the 1st respondent to remove the entry with regard to Document No.768 of 2011 in the register and encumbrance certificate within the period that may be stipulated by this Court.



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For Petitioner : Mr.V.Nirmal Kumar

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1

: Mr.M.Mahaboob Athiff
for R2

: Mr.K.Rajeswaran
for Mr.K.Sankararaman
for R3

ORDER

Heard both sides.

2. The petition mentioned property belonged to one Dr.Mohammed Ismail. He passed away and the property devolved on his children namely Beema John, Gowthar Nisha and Anarkali. There was a partition among them. Subsequently, Gowthar Nisha as well as Anarkali conveyed their shares in the property in favour of Bheema John (R3) herein vide Document No.833 of 2008 dated 11.06.2008. Bheema John settled the property in favour of her daughter Syed Ali Fathima on 13.06.2011 vide Document No.4522 of 2011. Subsequently, Syed Ali Fathima sold the petition mentioned property in favour of the writ petitioner vide sale deed dated 16.06.2011 (Document No. 737 /2011). While so, Bheema John unilaterally cancelled the settlement deed



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executed in favour of Syed Ali Fathima on 11.07.2011. Thereafter, Bheema John executed the settlement deed dated 21.06.2011 in favour of Anarkali (R2 herein) vide Document No.768/11. Abdul Wahab filed W.P.(MD)No.8256 of 2024 for quashing the registration of the cancellation deed dated 11.07.2011. The writ petition was allowed vide order dated 28.01.2025. Armed with that order, the present writ petition has been filed to cancel the settlement deed dated 21.06.2011 executed by Bheema Jhon in favour of Anarkali.

3. Technically speaking, the prayer in the writ petition cannot be granted. Once the document has been registered, it cannot be cancelled by the registering authority. The Civil Court of-course can grant the relief of declaration that it is null and void. Since the sequence of events and the facts on hand are beyond dispute, I propose to grant the relief of declaration sought for by the writ petitioner. Instead of directing the first respondent to remove the entry with regard to Document No.768/2011, I declare that the settlement deed dated 21.06.2011 (Document NO.768 of 2011) executed by the third respondent herein in favour of the second respondent herein is null and void. By registering this writ order in the encumbrance register, so that in a manner that any third party applies for encumbrance certificate, the outcome of the writ petition is also duly reflected, the rights of the petitioner can be suitably protected.



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4. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2025

Index : Yes / No

Internet : Yes/ No

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To

The Joint Registrar-1
Tirunelveli District,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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