



W.P(MD)No.27165 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27165 of 2025

and

W.M.P.(MD)Nos.21098 and 21100 of 2022

K.Suguna

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o the Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram, Chennai.

2.The District Registrar (Admin),
Periyakulam, Theni District.

3.The Sub Registrar,
Theni,
Theni District.

4.Mohana Ramakrishnan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the Impugned order in Mu.Mu.No.4672/E2/2021 passed by the 2nd respondent on 02.12.2022 and the consequent order of the 1st respondent in



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Na.Ka.No.1166/AA4/2023 dated 18.12.2024 and quash the same as illegal, and further directing the 2nd respondent to delete the entire made in the encumbrance Certificate mentioning the impugned order in accordance with law and within the time frame as may be fixed by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1 to R3.
No appearance for R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 3. The fourth respondent has been served and his name is printed in the cause list but he has not chosen to enter appearance to oppose the writ prayer.

2.The petition mentioned property stood in the name of one A.Thondhiraj, S/o.Palani Andavar. He settled the same in favour of his wife / T.Rathna vide settlement deed dated 02.03.2005. It was registered as Document No.1285 of 2005. The said Rathna subsequently sold the property in favour of the writ petitioner vide sale deed dated 16.12.2019. It was registered as Document No.10124 of 2019.



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3.In the meanwhile, Thondhiraj vide cancellation deed dated 14.11.2005 unilaterally cancelled the settlement deed dated 02.03.2005.

The deed of cancellation was registered as Document No.6328 of 2005.

Thondhiraj subsequently passed away. The fourth respondent who makes the claim under the said Thondhiraj submitted an application dated 16.09.2021 before the District Registrar (Administration), Periyakulam impugning the sale transaction in favour of the writ petitioner. Accepting the said petition, the second respondent vide order dated 02.12.2022 gave a direction that no further transactions should be carried out based on the sale deed standing in the name of the writ petitioner. Aggrieved by the same, the petitioner filed an appeal before the Deputy Inspector General of Registration, Madurai Region, Madurai. The Deputy Inspector General of Registration, Madurai Region vide order dated 18.12.2024 declined to pass any order on the writ petitioner's appeal. Challenging the stand of the registration department, this writ petition has been filed.

4.As already noted, the impugned order of the second respondent was passed at the instance of the fourth respondent. The fourth respondent has not contested this writ petition.



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5.It is seen that the order of the second respondent is based on the deed of unilateral cancellation dated 14.11.2005. The Hon'ble Division Bench in the decision reported in **(2022) 7 MLJ 1 (Sasikala vs The Revenue Divisional Officer)** as well as the Hon'ble Full Bench in the decision reported in **[2011 (2) CTC 1 (M/s.Latif Estate Line India Ltd. Vs. Hadeeja Ammal)]** had held that the registering authority ought not to entertain such deeds of unilateral cancellation and register the same. Registration of such documents have been quashed in exercise of jurisdiction under Article 226 of the Constitution of India. Such a registration will have to be treated as void. Since the impugned order 02.12.2022 passed by the second respondent is based on the cancellation of unilateral deed of cancellation, it has to be necessarily set aside. Hence, the impugned order dated 02.12.2022 is set aside. Since the appellate authority has not taken any stand in the matter, there is no need to interfere with the order dated 18.12.2024. It is hereby declared that registration of the unilateral deed of cancellation dated 14.11.2005 (Document No.6328 of 2005) as well as the order dated 02.12.2022 passed by the second respondent stand quashed.



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6.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

22.10.2025

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

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