



W.P(MD)No.30634 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.30634 of 2023

and

WMP(MD)No.26336 of 2023

G.Mariya Andrews Bernard alias Kamaraj

... Petitioner

VS.

1. The District Registrar

District Registrar Office,

Tirunelveli, Tirunelveli District.

2.The Sub-Registrar,

Kommadikottai Sub-Registrar Office,

No.2/104, Main Road,

Kommadikottai, Thoothukudi District-628 653.

3. G.Justin

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned cancellation deed in Doc.No. 911/2010 dated 26.07.2010 registered on the file of the 2nd respondent Sub-Registrar Office and quash the same and consequently direct the respondents 1 and 2 to remove the related entries in the entire record maintained in the office of the 2nd respondent including the subsequent encumbrances.



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For Petitioner : Mr. M.P.Senthil
For R1 & R2 : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari to call for the records relating to the impugned cancellation deed in Doc.No.911/2010 dated 26.07.2010, registered on the file of the 2nd respondent Sub-Registrar Office, and to quash the same, and consequently direct the respondents 1 and 2 to remove the related entries in the entire records maintained in the office of the 2nd respondent, including the subsequent encumbrances.

2. The brief facts of the case are that the petitioner's father had already executed a settlement deed dated 18.03.2010 in favour of the petitioner. Subsequently, the father cancelled the said settlement by executing a cancellation deed in Doc.No.911/2010 dated 26.07.2010. On the very same day, the father executed another settlement deed in favour of the third respondent, who is the brother of the petitioner.

3. According to the petitioner, the earlier settlement deed executed in his favour had already been acted upon. The petitioner was in possession and occupation of the said property and was residing there. The revenue records were also mutated in his favour.



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4. It is a settled proposition of law that unilateral cancellation of a settlement deed cannot be entertained. Moreover, there is no clause in the said settlement deed reserving any right to the settlor to cancel the settlement or imposing any condition regarding the maintenance of the father. In such circumstances, the unilateral cancellation of the settlement deed is illegal and unsustainable in law. Hence, the same is liable to be set aside.

5. Accordingly, this Writ Petition is allowed. The impugned cancellation deed in Doc.No.911/2010 dated 26.07.2010 is hereby quashed. The respondents are directed to make necessary entries to set aside the unilateral cancellation and restore the original settlement deed dated 18.03.2010 in the encumbrance records. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Ksa



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To
WEB COPY

1. The District Registrar
District Registrar Office,
Tirunelveli, Tirunelveli District.

- 2.The Sub-Registrar,
Kommadikottai Sub-Registrar Office,
No.2/104, Main Road,
Kommadikottai, Thoothukudi District-628 653.



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S.SRIMATHY, J.

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