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W.P.No.2813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2813 of 2022

And

W.M.P.No.2959 of 2022

Jayamani

... Petitioner

Vs.

- 1 The District Collector,
Kallakurichi,
Kallakurichi District.
- 2 The Revenue Divisional Officer cum
Judicial Magistrate – I,
Kallakurichi,
Kallakurichi District.
- 3 The Tahsildhar,
Sankarapuram,
Kallakurichi District.
- 4 The Sub Registrar,
Rishivandhiyam,
Kallakurichi District.
- 5 The Village Administrative Officer,
Kallakurichi District.

6 Thanam Ammal (Deceased)

7 Thavamani

(R7 – substituted as LRs of deceased R6,
as per order dated 12.12.2024 in WMP.35540/2023
in WP.2813/2022 by CVKJ)

... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the second respondent passed in Na.Ka.A6/3764/2021 dated 08.12.2021 in relation to the settlement deed No.1978/2021 dated 06.09.2021, on the file of Sub-Registrar Office, Rishivandhiyam, Kallakurichi District and quash the same as illegal.

For Petitioner : Ms.S.Harshitha

For Respondents : Mr.C.Prabakaran for R1 to R5
Government Counsel
Mr.S.Udayakumar for R7

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the proceedings of the second respondent passed in Na.Ka.A6/3764/2021 dated 08.12.2021 in relation to the settlement deed No.1978/2021 dated 06.09.2021, on the file of Sub-Registrar Office, Rishivandhiyam, Kallakurichi District and quash the same as illegal.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the daughter of the sixth respondent and sister of



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the seventh respondent. The sixth respondent executed settlement deed no.1928/2021 on the file of Sub Registrar Office, Rishivandhiyam on 06.09.2021 in favour of the petitioner and thereafter at the instigation of the seventh respondent filed complaint under Section 23(i) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the second respondent and the second respondent cancelled the settlement deed executed by the sixth respondent in favour of the petitioner and challenging the same, the petitioner preferred appeal before the first respondent and the first respondent confirmed the order passed by the second respondent.

3.The learned counsel appearing for the petitioner further submitted that the Hon'ble Full Bench of this Court in the decision reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]** has held that a sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled and that as regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act. Hence, the impugned order is not sustainable one.



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4.The learned counsel appearing for the seventh respondent submitted that the sixth respondent executed Will in favour of the seventh respondent. Hence, this Court may, in the event of setting aside the impugned order, grant liberty to the seventh respondent to approach the competent civil Court for appropriate remedy.

5.Heard both sides and perused the materials available on record.

6.It is useful to extract hereunder the relevant portion of the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**:

"58. From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in Thota Ganga Laxmi v. Government of Andhra Pradesh, reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011 Mad 66 and inclined to



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follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., Case, reported in 2022 SCC OnLine SC 544 for the following propositions:

(a) A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c) Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.



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(e) However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f) As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g) The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest."

7. Applying the ratio laid down in the decision of Hon'ble Full Bench of this Court reported in **2022 SCC Online Mad 4343 [Sasikala Vs. Revenue Divisional Officer and another]**, the order of the second respondent in Na.Ka.A6/3764/2021 dated 08.12.2021 is set aside and the settlement deed executed by the sixth respondent in



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favour of the petitioner is restored. Considering the request made by the learned counsel appearing for the seventh respondent, this Court grants liberty to the seventh respondent to approach the competent civil Court for appropriate remedy.

8.With the above observations and directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

04.06.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Kallakurichi,
Kallakurichi District.
- 2 The Revenue Divisional Officer cum
Judicial Magistrate – I,
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Kallakurichi District.
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