



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos. 3677 of 2026 and 14027 of 2025

and

WMP.Nos.4071, 14675 of 2026 and 15786 and 15787 of 2025

W.P.No.3677 of 2026

K.Palanisamy
S/o.Kandasamy,
No.18/8 G2, 16th Avenue,
Bhanu Nagar Pudhur, Ambattur,
Chennai-600 053.

..Petitioner(s)

Vs

1. The Parents and Senior Citizen Maintenance
Appellate Tribunal Cum District Collector,
Namakkal District.
2. The Parents and Senior Citizen Maintenance
Tribunal
Cum Revenue Divisional Officer,
Namakkal District.
3. The Sub Registrar
Rasipuram Taluk,
Namakkal District.
4. The Executive Officer,
Athanur Town Panchayat,
Rasipuram Taluk,
Namakkal District.
5. K.Revathi
No.2/202a, Marrikadu, Navaniedayapatty,
Puduchatram, Kalyani Post,
Namakkal District-637 018



6. Sowmiya
D/o.Kandasamy
No.2/202a, Marrikadu Navaniedayapatty,
Puduchatram, Kalyani Post,
Namakkal District-637 018

..Respondent(s)

W.P.No.14027 of 2025

Manivel
S/o.K.Kandasamy Gounder, Door No.6,
Thengalpalayam, Udupathanpudhur Village,
Salathukadu, Rasipuram Taluk,
Namakkal District- 636 301.

..Petitioner(s)

Vs

1. The Parents and Senior Citizen Maintenance
Chief Officer
Cum Revenue Divisional Officer,
Namakkal District.

2.The Sub Registrar
Rasipuram Taluk,
Namakkal District.

3. K.Kandasamy Gounder
S/o. Late Kaali Gounder, Door No.2/6,
Thengalpalayam, Udupathanpudhur Village,
Atthanur Rasipuram Taluk,
Namakkal District - 636 301.

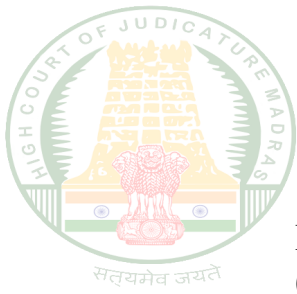
4.K.Revathi,
W/o. Kandasamy, 2/202a, Marrikadu,
Navaniedayapatty, Puduchatram, Kalyani Post,
Namakkal District - 637018.
(R4 impleaded vide Order Dated 18.12.2025 made
in WMP.48252/2025 in WP. No. 14027/2025)

..Respondent(s)

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Prayer in W.P.No.3677 of 2026: Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to Call for the entire records relating to the impugned order dated 13.02.2025 passed by the 2nd respondent in Pa.Mu. No.6291/ 2024/ A1 pertaining to the petitioner's property situate in Atthanur Village, Rasipuram Taluk, Namakkal District, comprised in S.Nos.152/4A, 152/4B, 154/5, 153/8, 159/1, 153/7, 153/4A, 153/10, 79/4B1A and 79/4B1B and quash the same and consequently direct the 4th respondent to remove the endorsement in the encumbrance certificate for the above survey numbers.

Prayer in W.P.No.14027 of 2025: Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorari to call for the entire records relating to the impugned order dated 13.02.2025 passed by the 1st Respondent in Pa.Mu. No. 6291/ 2024/A1 pertaining to the petitioner's property situate in Atthanur Village, Rasipuram Taluk, namakkal District, comprised in S.Nos. 152/4A 152/4B, 154/5, 153/8, 159/1, 153/7, 153/4A, 153/10 and 79/ 4B1 and quash the same.



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For Petitioner(s):
(in both W.P.'s)

Mr.V.P.Sengottuvel
Senior Counsel

For Respondent(s):

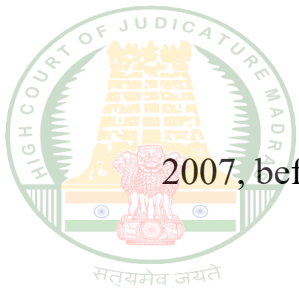
Mr.Akhil Akbar Ali
for Mr.P.Ganesan (R3)
Mr.Akhil Akbar Ali
for Ms.Vandana Parasuram (R4 in
W.P.No.14027 of 2025 and R5 and R6
in W.P.No.3677 of 2026)
Mr.P.Siddarth (R1 and R2)
Government Counsel
(in W.P.No.142027 of 2025)
Mr.C.Prabakaran (R1 to R4)
(in W.P.No.3677 of 2026)

Common Order

As the issue involved in these Writ Petitions are one and the same, these Writ Petitions are taken up together and disposed of vide this common order.

2. The facts in nutshell are as follows :

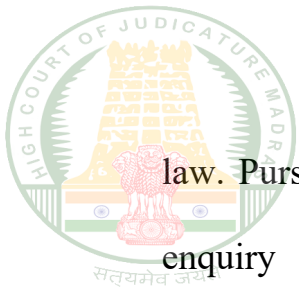
(i) The petitioners herein are brothers. The 4th and 5th respondents in W.P.No.3677 of 2026 and the 4th respondent in W.P.No.14027 of 2025 their sisters. The 3rd respondent in W.P.No.14027 of 2025 is the father of the petitioners. The petitioners' father executed Settlement Deeds dated 24.12.2018 in favour of the petitioners with respect to the subject properties. Subsequently, he left the house of the petitioners and resided with their sister one K.Revathi and thereafter at her instigation, he filed a petition for maintenance under Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act,



2007, before the Revenue Divisional Officer.

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(ii) The sister of the Petitioners one Revathi and the petitioner in W.P.No.3677 of 2026 filed a suit for partition with respect to ancestral properties against the petitioner in W.P.No.14027 of 2025 in O.S.No.44 of 2020, on the file of Principal District Munsif Court, Namakkal and subsequently the same was transferred to Mahila Court, Namakkal and again transferred to Special Court for trial of SC and ST cases, Namakkal and the same is pending. Thereafter, the Revenue Divisional Officer, by an order dated 25.07.2022 dismissed the claim of the Petitioners' father on the ground that since the suit for partition is pending, the parties concerned are to work out their remedy before the civil Court. Subsequently, the petitioner in W.P.No.14027 of 2025 executed Settlement Deed in favour of the petitioner in W.P.No.3677 of 2026 on 29.07.2022 and the petitioner in W.P.No.3677 of 2026 executed gift deed in favour of the petitioner in W.P.No.14027 of 2025. Thereafter, the petitioners' father preferred an Appeal before the District Collector, Namakkal, against the order of the Revenue Divisional Officer and the same was dismissed on 26.03.2023. Being aggrieved, the petitioners father preferred a writ petition before this Court in W.P.No.15584 of 2023 and this Court vide order dated 12.12.2024, disposed of the Writ Petition by setting aside the order passed by the District Collector and the Revenue Divisional Officer and remitted the matter back to the 1st respondent for fresh consideration in the manner known to



law. Pursuant to the said order, the Revenue Divisional Officer conducted the enquiry and passed the impugned order cancelling the settlement deeds executed in favour of the petitioners. Challenging the said orders, the petitioners have filed these Writ Petitions.

3.The learned senior counsel appearing for the petitioner would submit that the issues raised in these writ petitions are no longer res integra and have been decided by 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]***, wherein it is 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 orders are not sustainable one.

4.The learned counsel appearing for the 4th respondent in W.P.No.14027 of 2025 and the learned counsel appearing for respondents 5 and 6 in W.P.No.3677 of 2026 submitted that petitioners and the 4th respondent in W.P.No.14027 of 2025 and the respondents 5 and 6 in W.P.No.3677 of 2026 are brothers and sisters. While their father was alive, he executed settlement deeds in favour of the petitioners on the premise that they will take care him in



future, but the petitioners have failed to do so. Therefore, the Revenue Divisional Officer, on enquiry has rightly passed orders, cancelling the Settlement Deeds executed in their favour. Further, they would submit that now the petitioners' father is no more and while he was alive, he executed Settlement deed in favour of petitioner's sister one Revathi.

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 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



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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.*
- (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*



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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 orders impugned herein are set aside and the settlement deeds executed by the petitioners' father in favour of the petitioners are restored. However, liberty is granted to the petitioners and the private respondents to raise all the issues before the Civil Court in O.S.No.44 of 2020 pending on the file of Special Court for SC and ST cases, Namakkal and the said Court is directed to dispose of the suit on merits and in accordance with law.

8. With the above observations and directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

10-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Parents and Senior Citizen Maintenance
Appellate Tribunal Cum District Collector,
Namakkal District.
2. The Parents and Senior Citizen Maintenance Tribunal
Cum Revenue divisional Officer,
Namakkal District.
3. The Sub Registrar
Rasipuram Taluk,
Namakkal District.
4. Teh Executive Officer
Athanur Town Panchayat,
Rasipuram Taluk, Namakkal District.
5. The Special Court for SC and ST cases, Namakkal.



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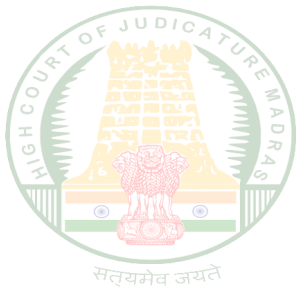


M.DHANDAPANI J.

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