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W.P.Nos.5411 and 6188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5411 and 6188 of 2024

And

W.M.P.Nos.5966, 5967, 6853 and 6859 of 2024

1.V.Siva
2.V.Dharun Kumar ... Petitioners in W.P.5411/2024

1.V.Siva
2.S.Monisha (Minor)
daughter of V.Siva
represented by her father and natural guardian V.Siva
and Maternal uncle
Chokkalingam ... Petitioners in W.P.6188/2024

Vs.

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Sub Collector
Ponneri
Tiruvallur District.

3.Varadha @ Varadha Reddy
4.Balaji
5.P.Sudha ... Respondents in both W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari to call for the records of the second



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respondent in Na.Ka.No.1024/2021/A1 dated 14.06.2023 and Na.Ka. No.COLREV-COLR/57338/2023-A2 dated 27.09.2023 and quash the second respondent proceedings.

For Petitioners : Mr.P.Chinnadurai

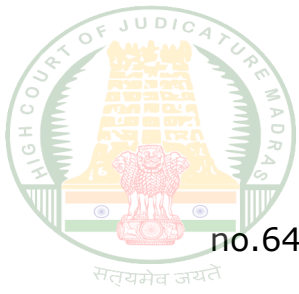
For Respondents : Mr.M.Sivavarthanan for R1, R2
Government Counsel
Mr.Dev Eshwar for R3
R4, R5 – No Appearance

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari to call for the records of the second respondent in Na.Ka.No.1024/2021/A1 dated 14.06.2023 and Na.Ka.No.COLREV-COLR/57338/2023-A2 dated 27.09.2023 and to quash the proceedings of the second respondent.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioners submitted that the first petitioner is the son of the third respondent. The third respondent executed settlement deed in favour of his another son Balaji/ fourth respondent on 02.11.2010, registered as document



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no.6492 of 2010 in the Office of the Sub Registrar, Arani. The third respondent executed another settlement deed in favour of his another son late Shankar on 19.12.2013, registered as document no.9852 of 2013 in the Office of the Sub Registrar, Arani. The fourth respondent and late Shankar executed sale deed in favour of Monisha/ daughter of the first petitioner and second petitioner in W.P.No.6188 of 2024 and the same was registered as document no.173 of 2015 dated 19.01.2015 in the Office of the Sub Registrar, Arani. The fourth respondent executed settlement deed in favour of the first petitioner on 06.06.2016, registered as document no.2345 of 2016 in the Office of the Sub Registrar, Arani. Late Shankar executed settlement deed in favour of the first petitioner on 27.08.2019, registered as document no.3165 of 2019 in the Office of the Sub Registrar, Arani.

4.The learned counsel appearing for the petitioners further submitted that the third respondent gave false complaint against the first petitioner and the fourth respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the second respondent and the second respondent vide order dated 14.06.2023 cancelled the settlement deed in document no.6492 of 2010 dated 02.11.2010 and settlement deed in document no.9852 of 2013 dated



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19.12.2013 and also passed order dated 27.09.2023 to transfer patta in the name of third respondent. Thereafter, the third respondent obtained patta in his name and transferred the entire property to the fifth respondent/ mother – in – law of the fourth respondent under document no.7231 of 2023 dated 07.11.2023 and document no.7230 of 2023 dated 07.11.2023. Aggrieved by the same, the petitioners have filed these writ petitions. The learned counsel further submitted that the second petitioner in W.P.No.6188 of 2024 is a minor. The fourth respondent and late Shankar executed sale deed in favour of the second petitioner in W.P.No.6188 of 2024, however, she was not arrayed as a party before the second respondent.

5.The learned counsel appearing for the petitioners 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 proceedings are not sustainable one.



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6.The learned counsel appearing for the third respondent submitted that out of love and affection, the third respondent executed settlement deeds in favour of his sons. Once love and affection goes, automatically, settlement deed goes, thereby, the third respondent filed complaint before the second respondent and the second respondent after proper adjudication, cancelled the settlement deeds executed by the third respondent.

7.The learned Government Counsel appearing for the respondents 1 and 2 submitted that the issue involved in these writ petitions is no longer res integra and the same has already 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]**.

8.Heard the learned counsel appearing for the petitioners, the learned Government Counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent. Though the name of the respondents 4 and 5 in W.P.No.6188 of 2024 are printed in cause list, there is no representation for respondents 4 and 5. This Court also perused the materials available on record.



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9.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 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



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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,



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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.”

10.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 proceedings of the second respondent in Na.Ka.No.1024/2021/A1 dated 14.06.2023 and Na.Ka. No.COLREV-COLR/57338/2023-A2 dated 27.09.2023 are set aside.

11.The third respondent made complaint as against the first petitioner and fourth respondent who are his sons. This Court is of the opinion that it is the duty of the first petitioner and fourth respondent to maintain the third respondent since the property owned by him was settled in favour of the first petitioner and fourth respondent. Accordingly, this Court directs the first petitioner and the fourth



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respondent to pay a sum of Rs.7,500/- each [totally Rs.15,000/-] per month to the third respondent on or before 7th of every succeeding English Calender Month commencing from July, 2026.

12.The writ petitions are allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

16.06.2026

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

To

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Sub Collector
Ponneri
Tiruvallur District.



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