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W.P.No.7169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7169 of 2024

And

W.M.P.No.8020 of 2024

R.Usha

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurantakam,
Chengalpattu District – 603 306.

2.R.Sagunthala

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the first respondent in Ni.Mu.En.6633/2023/Aa dated 22.02.2024 and quash the same as illegal, incompetent and without jurisdiction and for consequential orders.

For Petitioner : Mr.Vishnu V.R.

For Respondents : Mr.C.Prabakaran for R1
Government Counsel
Mr.A.Kumaraguru for R2



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records on the file of the first respondent in Ni.Mu.En.6633/2023/Aa dated 22.02.2024 and quash the same as illegal, incompetent and without jurisdiction and for consequential orders.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the daughter of the second respondent. The second respondent executed settlement deed bearing Doc.No.4981/2014 in favour of the petitioner on 23.07.2014 and thereafter at the instigation of the petitioner's brother/ son of the second respondent, the second respondent filed complaint before the first respondent and the first respondent cancelled the settlement deed executed 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



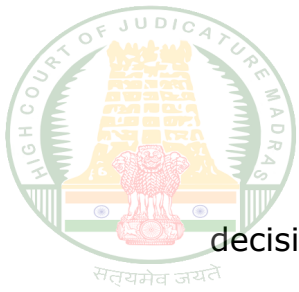
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and registered cannot be unilaterally cancelled and that as regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act. Hence, the impugned order is not sustainable one. The learned counsel further submitted that as represented before this Court by the petitioner earlier, i.e., on 21.03.2024, the petitioner is paying a sum of Rs.5,000/- every month towards maintenance of the second respondent.

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

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

6.It is useful to extract hereunder the relevant portion of the



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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 unilaterally cancelled.

(b) Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and



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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 registration subject to the conditions specified in para 42 of this judgment.



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(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 first respondent in Ni.Mu.En.6633/2023/Aa dated 22.02.2024 is set aside. However, the petitioner shall continue to pay the monthly maintenance of Rs.5,000/- to the second respondent till her lifetime. This Court further directs that if the second respondent is suffering without any shelter, the petitioner shall provide shelter to the second respondent.

8.With the above observations and directions, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

09.06.2026

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

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To

- 1.The Revenue Divisional Officer,
Madurantakam,
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