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W.P.No.36621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36621 of 2024

And

W.M.P.No.39504 of 2024

S.N.Duraiswamy

... Petitioner

Vs.

- 1.The District Collector,
Office of Collectorate,
Coimbatore District,
Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore North Division,
Coimbatore District,
Coimbatore.
- 3.The Sub-Registrar,
Office of the Sub-Registrar of Assurance,
Mettupalayam,
Coimbatore District.
- 4.The Tashildar,
Office of the Tashildar
At Mettupalayam,
Coimbatore District.

5.Savithri

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus calling for the records of the first respondent made in Na.Ka.No.1721392/2024/U2, dated 26.07.2024 and to quash the order and to cancel the settlement deeds executed by the petitioner to and in favour of the fifth respondent and restore to the original position as a owner.

For Petitioner : Mr.A.M.Krishnamoorthy

For Respondents : Mr.C.Prabakaran for R1 to R4
Government Counsel
Mr.J.Franklin for R5

O R D E R

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 husband of the fifth respondent. The petitioner executed two settlement deeds bearing Doc.Nos.898/2023 and 899/2023 in favour of the fifth respondent on 23.01.2023 and

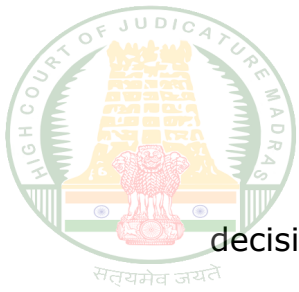


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thereafter the fifth respondent driven away the petitioner from home and hence, the petitioner filed complaint before the second respondent and the second respondent cancelled the settlement deeds executed by the petitioner and aggrieved by the same, the fifth respondent filed appeal before the first respondent and the first respondent set aside the order passed by the second respondent.

3.The learned counsel appearing for the fifth respondent submitted that the petitioner and fifth respondent are senior citizens and further submitted that the settlement deeds settled in favour of the fifth respondent by the petitioner are irrevocable settlement deeds and hence, the petition filed by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act itself is not maintainable, however, the second respondent inadvertently entertained the said petition and challenging the same the fifth respondent filed appeal before the first respondent and the first respondent rightly passed the impugned order which warrants no interference.

4.The learned counsel appearing for the fifth respondent further submitted that the Hon'ble Full Bench of this Court in the



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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.

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,



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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 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. In view 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]**, the order of the first respondent in Ni.Mu.En.6633/2023/Aa dated 22.02.2024 warrants no interference.



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8.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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