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W.P.No.31806 of 2023

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.31806 of 2023

And

W.M.P.Nos.31425 and 31426 of 2023

Abidunnisa

... Petitioner

Vs.

1 The Collector,
Chennai District,
Chennai.

2 The Revenue Divisional Officer,
North Chennai,
Chennai.

3 The Sub Registrar,
Thiruvottriyur,
Chennai.

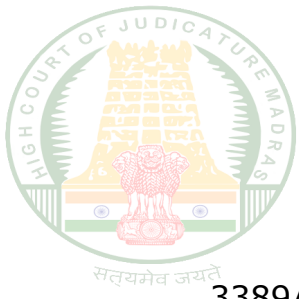
4 Mohammed Syed Hussain

5 Imthiyas
(R5 – impleaded as per order dated
26.02.2024 in WMP.5355/2024
in WP.31806/2023 by PDAJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in Se.Mu.Na.Ka.No.



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3389/A1/2022 dated 08.12.2022 by confirming the order passed by the second respondent in Na.Ka.No.A5/18/2022 dated 22.09.2022 quash the same.

For Petitioner : Mr.N.Manoharan
for M/s.V.Elangovan

For Respondents : Mr.C.Prabakaran for R1 to R3
Government Counsel
Mr.N.R.Anantha Ramakrishnan for R4
Mr.V.Suriya Sankar for R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the order passed by the first respondent in Se.Mu.Na.Ka.No.3389/A1/2022 dated 08.12.2022 by confirming the order passed by the second respondent in Na.Ka.No.A5/18/2022 dated 22.09.2022 quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the sister of the fourth respondent. The fourth respondent is a bachelor and he executed settlement deed in Doc.No.5007/2020 on the file of Sub Registrar, Thiruvottriyur, Chennai on 25.09.2020 in favour of the petitioner and in favour of another



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sister namely Kamrunnisa and thereafter at the instigation of the fifth respondent who is the son of the said Kamrunnisa filed complaint before the second respondent and the second respondent cancelled the settlement deed executed by the fourth respondent 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. The learned counsel further submitted that the fourth respondent retired from Southern Railways and is receiving pension, however, the petitioner is ready to pay maintenance to the fourth respondent at the rate of Rs.5,000/- per month.



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4.The learned counsel appearing for the fourth respondent submitted that settlement deed was executed in favour of two sisters and further submitted that one sister came forward to cancel the settlement deed, however, the petitioner denied for the same. Hence, this Court may, in the event of setting aside the impugned order, grant liberty to the fourth 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



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(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 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.



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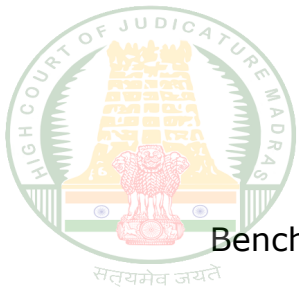
(d) The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

(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.

(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



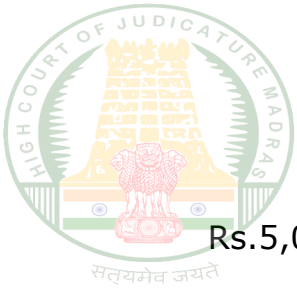
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Bench of this Court reported in **2022 SCC Online Mad 4343**

[Sasikala Vs. Revenue Divisional Officer and another], the order of the first respondent in Se.Mu.Na.Ka.No.3389/A1/2022 dated 08.12.2022 confirming the order passed by the second respondent in Na.Ka.No.A5/18/2022 dated 22.09.2022 is set aside. Considering the request made by the learned counsel appearing for the fourth respondent, this Court grants liberty to the fourth respondent to approach the competent civil Court for appropriate remedy.

8.This Court is of the opinion that it is the duty of the petitioner to maintain the fourth respondent since the property owned by him was settled in favour of the petitioner and the petitioner has also come forward to pay maintenance to the fourth respondent at the rate of Rs.5,000/- per month.

9.Considering the fact that the fourth respondent is a pensioner, the petitioner is directed to pay the entire arrears of monthly maintenance amount at the rate of Rs.2,500/- per month from the date of writ petition till date (09.06.2026) to the fourth respondent, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of



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Rs.5,000/- per month to the fourth respondent on or before 7th of every succeeding English Calender Month.

10.With the above observations and directions, the writ petition is disposed of. 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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