



W.P.No.21582 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.21582 of 2024
and WMP.No.23550 of 2024

Dr.V.Amirtham

2.Dr.Y.Vidhya

Petitioner(s)

Vs.

1.The District Collector
Erode District, Erode.

2.Block Development Officer (V.P)
Thukkanayakanpalayam,
Gobichettipalayam Taluk,
Erode District.

3.Perumugai Panchayat
Rep.by its President,
Erangattur Post, Kallippatti,
Thukkanayakanpalayam-638 505
Gobichettipalayam Taluk,
Erode District.

Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in its proceedings dated 06.6.2024 and quash the same as arbitrary



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and illegal and further direct the respondents herein to execute and register a Deed of Cancellation of the Gift to cancel the Gift Deed dated 17.02.2020 bearing Doc.No.577/2020 in the office of the Sub-Registrar, Thookanayakanpalayam and further release the 12 feet width roads totally measuring an extent of 2296½ sq.ft to the petitioners herein within a time frame to be fixed by this Court.

For Petitioners : Mr.Mr.V.P.Sengottuvel
Senior Counsel
for Mr.M.Lenin

For Respondents : Mr.M.Sivavarthanan for R1
Government Counsel
Mr.M.Bindran for R2
Mr.R.Kumaravel for R3

ORDER

The petitioners have challenged the proceedings dated 06.06.2024 issued by the third respondent, by which their request to execute a deed cancelling the gift deed dated 17.02.2020 was rejected.

2. The first petitioner is the mother-in-law and the second petitioner is her daughter-in-law. They are the owners of the lands in Survey Nos.201/4A (0.04.85 hectares) and 201/4B (0.09.20 hectares) situated at Perumugai A Village, Gobichettipalayam Taluk, Erode District.



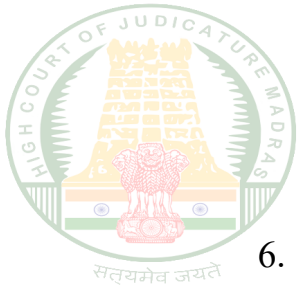
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3. During his lifetime, the husband of the first petitioner was in possession of the said lands. He proposed to develop them into a residential layout and applied to the third respondent for layout approval. As a condition for grant of approval, he was required to gift an extent of 2,296½ sq.ft. for formation of a 12-foot-wide road. Accordingly, he executed a registered gift deed dated 17.02.2020 in favour of the third respondent.

4. Before the application could be considered, he passed away. Thereafter, the petitioners, being his legal heirs, withdrew the application for layout approval. It is not in dispute that the proposed layout was never formed, the gifted land has not been utilised for any public purpose, and no third-party rights have been created.

5. Once the application for layout approval was withdrawn and the land gifted for road purpose has not been utilised, the very purpose of the gift has ceased to exist. In such circumstances, the petitioners, as the legal heirs of the original owner, are entitled to seek restoration of the gifted land. Therefore, the proceedings dated 06.06.2024 rejecting their request are unsustainable in law.



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6. Accordingly, the writ petition is allowed. The proceedings dated

06.06.2024 issued by the third respondent are set aside. The third respondent is directed to execute and register a deed cancelling the gift deed dated 17.02.2020 bearing Document No.577 of 2020, registered in the office of the Sub-Registrar, Thookanayakanpalayam, and to restore the 12-foot-wide road portion measuring 2,296½ sq.ft. to the petitioners. The expenses for execution and registration of the cancellation deed shall be borne by the petitioners. The above exercise shall be completed within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
dna

To

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(V.P)
Thukkanayakanpalayam,
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HEMANT CHANDANGOUDAR.J.,

dna

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