

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.22280 of 2011

The Commissioner,
Hosur Municipality,
Hosur.

... Petitioner

vs.

1. The Sub Registrar,
O/o. The Sub Registrar of Hosur,
Hosur.
2. The Inspector General of Registration,
Department of Registration,
100, Santhome High Road,
Chennai 600 028.
3. The Collector,
Krishnagiri District,
Krishnagiri.
4. The Sub Collector,
Hosur Taluk, Hosur.
5. The Director,
Town and Country Planning,
807, Anna Salai,
Chennai.

6. M.Narayanaswamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorarified mandamus, calling for the records on the file of the first respondent in respect of registration of deed of cancellation, dated 20.04.2009 (Document No.2664/09), cancelling the gift deed dated 16.10.95 (Doc.No.5945/95) and quash the same as illegal, without jurisdiction, authority of law, contrary to provisions of the Registration Act and principles of natural justice and fair play and direct the sixth respondent to remove the

encroachment and demolish the construction on the land gifted to the petitioner for the purpose of road, park and open space.

For Petitioner : Mr.T.Pramodkumar Chopda

For Respondents 1 to 5 : Mr.A.N.Thambidurai,
Special Government Pleader

For 6th Respondent : Mr.M.P.Saravanan

O R D E R

(Order of the Court was made by S.VAIDYANATHAN,J.)

This Writ Petition is filed seeking to cancel the the registration of Gift Deed, dated 16.10.1995 by the 1st respondent and for a consequential direction to the 6th respondent to remove the encroachment and demolish the construction on the land gifted to the petitioner/Commissioner, Hosur Municipality, Hosur, for the purpose of road, park and open space.

2. Pursuant to the judgment and decree passed by the Munsif Court, Hosur in O.S.Nos.315, 316 and 317 of 1996, which has been affirmed by the First Appellate Court in A.S.Nos.78, 79 and 80 of 2003, the 6th respondent herein has become the owner of the property in question.

3. In view of the same, the original Gift Deed executed by the erstwhile owner on 16.10.1995 vide Document No.5945/95, registered at the Sub-Registrar Office, Hosur, is not valid in the eye of law. The 6th respondent has filed an affidavit that since he is the owner of the property in question, he is willing to execute a fresh Gift Deed to and in favour of the petitioner/Commissioner, Hosur Municipality, Hosur, to the very same extent of land mentioned in the original Gift Deed, which was registered as Document No.5945/1995, dated 16.10.1995 in the office of the Sub-Registrar, Hosur, within a period of two months.

4. Learned counsel for the petitioner submitted that the 6th respondent may be directed to execute a fresh Gift Deed within a short period.

5. In reply, learned counsel appearing for the 6th respondent submitted that the 6th respondent is willing to execute a fresh Gift Deed to the extent of the land mentioned in the original Gift Deed, within a period of 15 days from the date of receipt of a copy of this order and that he is willing to

remove the encroached portions within a period of three weeks thereafter.

6. Recording the said submission of the learned counsel appearing for the 6th respondent, this Writ Petition stands disposed of. No costs. Consequently, connected M.P.Nos.1 and 2 of 2011 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Sub Registrar,
O/o. The Sub Registrar of Hosur, Hosur.
2. The Inspector General of Registration,
Department of Registration,
100, Santhome High Road, Chennai 600 028.
3. The Collector,
Krishnagiri District, Krishnagiri.
4. The Sub Collector,
Hosur Taluk, Hosur.
5. The Director,
Town and Country Planning,
807, Anna Salai, Chennai.

+1cc to Mr.T.Pramodkumar, Advocate, S.R.No.4697
+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.4124
+1cc to the Government Pleader, S.R.No.4582

W.P.No.22280 of 2011

SSD(CO)
RRK(02/02/2018)

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