



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.11.2019

PRONOUNCED ON : 26.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.7561 of 2019

Mr.N.Palanisamy

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Petitioner

Vs

1.The Special Officer,
Karukkupalayam Village,
Perundurai Circle,
Erode District.

2.The Commissioner for Land
Administration,
Chepauk,
Chennai - 600 005.

3.The Special Commissioner and
Secretary Government of
Tamil Nadu
Revenue Department,
Fort St. George,
Chennai - 600 009.

(RR2 and 3 impleaded as per order
dated 30.10.2019 made in
WMP No.26460 of 2019 in
W.P.No.7561/2019)

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Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondent to consider the petitioner's representation dated 04.01.2019 within stipulated time fixed by this Court to cancellation of gift deed executed on 04.11.2015 as registered document No.3488 of 2015 at Thingalur Sub Registration Office within Erode Registration District.

For Petitioners :Ms.R.Nasrine

For 1st Respondent :Mrs.R.Janaki,

Additional Government Pleader

For Respondents 2 & 3: Mr.N.Inbanathan,

Additional Government Pleader



ORDER

The petitioner herein states that he has purchased 7 ½ cents of land on 29.01.2015 and decided to develop the said land by laying plots. Therefore, he gifted portion of the land to the first respondent on 04.11.2015 and registered the same before the Sub Registrar, Thingalur. Later, the petitioner found that it is difficult to get approval for his lay out from the Government and therefore, dropped the idea of promoting his land as residential sites. Since, the purpose of gifting a portion of his land for laying road has been extinguished, he sought for cancellation of the gift deed. The request for cancellation of the gift deed not been considered by the first respondent. Hence, the present writ petition to consider his representation dated 04.01.2019.

2.The first respondent has filed counter stating that the petitioner had executed a gift deed in respect of 5064.80 sq.ft of land under gift deed dated 04.11.2015 in favour of Karukkupalayam Panchayat for the purpose of using it has road. As per the gift deed, the Panchayat has taken away the property and laid down road for the use of the public. As such, the road is in use for the public. Therefore, the decision of the petitioner herein to withdraw his intention to sell his property as house site as no bearing. Once the property is gifted for a particular purpose and used for that purpose, taking back the land by canceling gift deed is unknown to law hence, the request of the petitioner could not be considered.

3.From the records, this Court finds that based on the gift deed, the respondents have taken possession of the land and has laid road connecting the adjacent roads and the said land is now put to use by the public. For the past 5 years, the public are in enjoyment of the said road gifted by the petitioner. Now, the said gift cannot be canceled at the discretion of the petitioner. Therefore, this Court finds no merit in this writ petition.

4.In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jbm



To

1.The Special Officer,
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Chennai - 600 005.

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Chennai - 600 009.

+1 cc to Government Pleader Sr.No. 99440

W.P.No.7561 of 2019

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A.SK(20/12/2019)