

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.6851 of 2019
and W.M.P.No.7616 of 2019

1.Ramasamy gounder
2.R.Sivamalai
3.S.Chennimalai

.. Petitioners

/versus/

1.The Block Development Officer,
Tiruchengode,
Tiruchengode Taluk,
Namakkal District.

2.The Panchayat Secretary,
Karuveppampatti Village Panchayat,
Karuveppampatti, Tiruchengode Taluk,
Namakkal

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to consider the petitioner's representation dated 08.01.2019 and pass orders within a stipulated time frame.

For petitioners : Mr.S.Viswanathan
For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

The prayer of the writ petitioner is to direct the respondents 1 & 2 to consider the petitioners representation dated 08.01.2019.

2. The case of the petitioners is that they are the owners of land in Survey No.254 in Karuveppampatti, Tiruchengode Taluk, measuring an extent of 1.12 acres. Patta stands in their name. While so, when they decided to form layout and sell the same, they executed a gift deed in favour of the 2nd respondent-Village Panchayat for formation of road for the use of the plot owners as a precondition of forming layout. But later pursuant to the

order passed by this Court in W.P.No.19566 of 2015 dated 12.05.2017 they released that unapproved plots cannot be registered, so they have decided to drop the plan of promoting their agricultural land into residential plot. Hence, gifting the portion of land for formation of road has lost its purpose, the petitioners have sought for re-conveying the portion of the land gifted for formation of road. The representation on 01.11.2018 was made, requesting the Sub Registrar, Tiruchengode to annul the gift deed orders. It was not considered by the SRO, Tiruchengode. The petitioners gave another representation on 08.01.2019 to the Block Development Officer and Panchayat Secretary to come forward to execute the cancellation deed in respect of the gift document No.5837 of 2016 dated 16.09.2016. Since the respondents 1 and 2 have also not responded to their representations, the present writ petition is filed.

3. The 1st respondent has filed counter, wherein it is stated that the writ petition is not maintainable. Subsequent to the Regularization of Unapproved Plots and Layout Rules, 2017 (Tamil Nadu Act 35 of 1972). The unapproved layouts developed all over the State without adequate infrastructure and public amenities have been regularized taking into consideration the purchasers are all innocent buyers and poor people of lower category. Therefore, the reason given by the petitioner herein to withdraw their intention of converting the land into layout is not sustainable and having gifted the land for laying road and open space for public purpose, the petitioner herein cannot revert back. The only option before the petitioner is to seek for regularization of unapproved plots, by taking advantage of the Regularization of Unapproved Plots and Layout Rules, 2017.

4. The contention of the respondents may be legally correct only if the petitioners herein have decided to proceed with the proposal of converting the agricultural land into residential site. Contrarily in this case, the petitioners have decided to retain the land as agricultural land and have dropped their proposal of converting the land into residential plots. While so the reason for gifting the portion of their land for public purpose does not exist as on date. The object of gifting the land to the 2nd respondent has now become otis. The petitioners herein have sworn in their affidavit that they are going to use the land only for the agricultural purpose. If they are not going to convert the said land for any other purpose, there can be no impediment for the 2nd respondent herein to re-convey the gifted land back to the land owners at the cost of the land owners.

5. In such circumstances, it is hereby directed that the 2nd respondent herein after getting due approval from the Commissioner of land Administration shall re-convey the gifted portion of the land to the petitioners within a period of four months from the date of receipt of copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Block Development Officer,
Tiruchengode,
Tiruchengode Taluk,
Namakkal District.
- 2.The Panchayat Secretary,
Karuveppampatti Village Panchayat,
Karuveppampatti, Tiruchengode Taluk,
Namakkal.

AKM/07.01.2020/3P-3C /

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