

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7712 of 2017

1. Annamalai
S/o Kolakaran
 2. Murugan
S/o Annamalai
- .. Petitioners

-vs-

1. The District Collector
Tiruvannamalai
Tiruvannamalai District
2. The Tahsildar
Chengam Taluk
Tiruvannamalai District
3. The Block Development Officer
Chengam
Tiruvannamalai District
4. The Sub Registrar
Chengam
Tiruvannamalai District
(R4 suo motu impleaded vide order
dated 22.11.2017 in WP No.7712/17) .. Respondents

Prayer :Writ Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 20.01.2017 and rectify the Gift Deed dated 12.10.2001 registered document No.2378/2001 on the file of SRO, Chengam by deleting S.No.74/4A and in lieu of the same including S.No.74/4D situated at Melpennathur Village and Post, Chengam Taluk, Tiruvannamalai District.

For Petitioners
For Respondents

:: Mr.G.Rajan
:: Mrs.P.Rajalakshmi
Additional Government Pleader
for R1, 2 & 4
Mr.K.Dhananjayan
Standing Counsel for R3

ORDER

Mr. Annamalai, S/o Kolakaran along with three persons has executed a gift deed dated 12.10.2001 registered as document No.2378 of 2001 on the file of the Sub Registrar, Chengam in respect of 10 cents for the purpose of laying of road. In the said gift deed, the property admeasuring 10 cents in Survey No.74/4A was gifted in favour of the Government, namely, the Block Development Officer, Chengam, the third respondent herein. The first petitioner also has been issued with a joint patta in respect of the land covered in Survey No.74/4D of Melpennathur Village admeasuring 0.57 ares. It is also stated that the said joint patta has been issued in the names of three persons, namely, Santharaj, Annamalai and Murugan in respect of the land covered in Survey Nos.74/4A and 74/4D. But since the first petitioner is not the owner of the land in Survey No.74/4A, the gift deed has been executed gifting 10 cents in Survey No.74/4A, instead of Survey No.74/4D. After realising the mistake that the first petitioner is not the owner of the land in Survey No.74/4A, has come forward to rectify the same in the gift deed, so that the third respondent can enjoy the 10 cents in Survey No.74/4D. In this regard, the first petitioner has also given a representation dated 20.1.2017 to the respondents to consider the rectification of the mistake in the survey number in the gift deed dated 12.10.2001 registered as document No.2378 of 2001 on the file of the Sub Registrar, Chengam by deleting Survey No.74/4A and in lieu thereof, to include the Survey No.74/4D of Melpennathur Village. But till date, no such action has been taken. Therefore, the petitioners, being the father and son, have been advised to come to this Court with the above prayer, as the first petitioner has now gifted the land in Survey No.74/4D in favour of his son, the second petitioner.

2. Learned standing counsel for the third respondent stated that the third respondent after conducting inspection with the help of engineers earmarked some lands comprised in Survey Nos.74/3, 74/4A, 79/1A1 and 79/3A of Melpennathur village, Chengam Taluk for the purpose of laying the roads and installing street lights. Since the petitioners have now come forward to gift 10 cents of land from Survey No.74/4D, the third respondent will conduct an enquiry after issuing notice to both the petitioners and Mr.Santharaj and if the third respondent comes to the conclusion that the land covered in Survey No.74/4D is required by him, he will relegate the petitioners to the Sub Registrar, Chengam, the fourth respondent herein for execution of the rectification gift deed.

3. Considering the above facts, accepting the request made by the learned standing counsel for the third respondent, this Court hereby directs the third respondent to conduct an enquiry

with regard to the usage of 10 cents of land in Survey No.74/4D to be gifted by the petitioners, after issuing notice to both the petitioners and Mr.Santharaj, and if he comes to the conclusion that the land to an extent of 10 cents in Survey No.74/4D is required for the purpose of laying the roads, he can relegate the petitioners to the Sub Registrar, Chengam, the fourth respondent herein for carrying out the rectification in the gift deed in favour of the third respondent. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.8427 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ss
To

1. The District Collector
Tiruvannamalai
Tiruvannamalai District
2. The Tahsildar
Chengam Taluk
Tiruvannamalai District
3. The Block Development Officer
Chengam
Tiruvannamalai District
4. The Sub Registrar
Chengam
Tiruvannamalai District

+lcc to Mr.G.Rajan , Advocate SR.No. 97696

+lcc to Mr.K.Dhananjayan , Advocate SR.No. 97805

A.SK(04/02/2020)

W.P.No.7712 of 2017