



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4955 of 2019

and

W.M.P. (MD) No.3938 of 2019

S.Shivakumar

... Petitioner

Vs

- 1.The Sub Registrar,
Vadasery,
Kanyakumari District.
- 2.The Member Secretary,
Local Planning Authority,
Nagercoil, Kanyakumari District.
- 3.The Special Officer / Block Development Officer,
Village Panchayats,
Thovalai Panchayat Union at
Poodhapandi,
Kanyakumari District.

R2 and R3 are impleaded
vide Court order dated 11.04.2019
in W.M.P(MD)No.6643 of 2019

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the return memo issued by the respondent vide his Memo No.162/2018 dated 29.06.2018 in connection with the registration of gift deed dated 29.06.2018 executed in favour of the Zonal Deputy Block Development Officer, Thovalai Panchayat, Kanyakumari District and quash the same and consequently direct the respondent to register the same forthwith.

For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner seeks approval for a lay out. One of the formalities for getting approval is that the petitioner must



execute a gift deed conveying the pathway in favour of the Government of Tamilnadu. The petitioner prepared a gift deed dated 29.06.2018 and presented the same for registration before the first respondent. By the impugned memo dated 29.06.2018, the same was returned.

WEB COPY

3.As rightly pointed out by the learned counsel for the petitioner, the registration of the petition mentioned gift deed is a condition precedent for getting lay out approval. Therefore, the same cannot be returned by claiming that since there is no lay out there cannot be any registration of document in question. The registering authority is literally arguing in circles.

4.In this view of the matter, the order impugned in this writ petition is quashed. The petitioner is permitted to resubmit the petition mentioned gift deed and the first respondent shall receive and register the same, ofcourse, subject to fulfilment of all other formalities.

5.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

- 1.The Sub Registrar,
Vadasery, Kanyakumari District.
- 2.The Member Secretary,
Local Planning Authority,
Nagercoil, Kanyakumari District.
- 3.The Special Officer / Block Development Officer,
Village Panchayats,
Thovalai Panchayat Union at
Poodhapandi, Kanyakumari District.

+1CC TO MR.R.ANAND, Advocate Sr. No. 63938

W.P. (MD) No.4955 of 2019
and W.M.P. (MD) No.3938 of 2019
29.04.2019