

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6650 of 2020  
and  
W.M.P.No.7878 of 2020

1.C. Varadharasu  
2.C. Venkatachalam

... Petitioners

Vs.

1. The District Collector,  
Namakkal District.  
  
2. Athanoor Town Panchayat,  
Rep.by its Executive Officer,  
Rasipuram Taluk,  
Namakkal District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents to forthwith return the lands of the petitioners in Survey No.219/3D2 at Athanoor Village and in Survey No.219/3D1 at Athanoor Village, Rasipuram Taluk, Namakkal District, gifted to the second respondent under a Gift Deed dated 01.09.2016 (Document No.4066 of 2016), by executing necessary Cancellation Deed on the basis of the application of the petitioner dated 29.02.2020.

For Petitioners : Mr. K. Selvaraj

For Respondents : Mr. E. Balamurugan,  
Special Government Pleader

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O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to re-convey the land which was gifted to the second respondent under a registered gift deed dated 01.09.2016 for the purpose of getting an approval for the layout.

2. The case of the petitioners is that the petitioners purchased the property in the year 2012 and they wanted to develop the same. The petitioners therefore, sought for permission for a layout and in order to get the approval for the layout, the petitioners executed a gift deed dated 01.09.2016 in favour of the second respondent. According to the petitioners, the approval for the layout was rejected on the ground that there are no sufficient connecting roads from the layout to the main road and therefore the layout cannot be formed. The further case of the petitioners is that the petitioners have decided to use the property as agricultural lands and since the layout approval is not granted, the petitioners want the second respondent to re-convey the property which was gifted by the petitioners.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioners have not filed any order rejecting the layout approval and therefore, the respondents are not in a position to take any decision on the representation made by the petitioners.

5. In reply to the said submissions, the learned counsel for the petitioners submitted that even the petitioners have been only orally informed about the order and they have not received any written order from the concerned authority.

6. Taking into consideration of the facts and circumstances of the case, there shall be direction to the second respondent to consider the representation made by the petitioners on 29.02.2020 and take an appropriate decision in accordance with law. If, the permission for approval has been rejected, the second respondent shall take action to re-convey the property to the petitioners. If it is granted then the gift deed executed in favour of the second respondent shall stand as it is. The second respondent shall ascertain the position and act accordingly and pass appropriate orders, within a period of six weeks from the date of receipt of copy of this order. The petitioners are directed to make a fresh representation to the second respondent along with a representation dated 29.02.2020 and a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1. The District Collector,  
Namakkal District.
2. The Executive Officer,  
Athanoor Town Panchayat,  
Rasipuram Taluk,  
Namakkal District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.23110  
+1cc to the Government Pleader, S.R.No.23712

W.P.No.6650 of 2020  
and  
W.M.P.No.7878 of 2020

NRJK (CO)  
KKV/17/06/2020



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