



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.25209 OF 2021

AND

WMP.NO.26583 OF 2021

1.K.Kandasamy
2.D.Dhamayanthi
3.K.Mahesh
(petitioners 1 to 3 rep. by their
power agent, P.Eswaran)

...Petitioners

Vs

1. The District Registrar,
Registration Department,
Gobichettipalayam,
Erode District.
2. The District Collector,
Erode District,
Erode 638 011.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam,
Erode District.
4. Sikkarasampalayam Village
Panchayat rep. by
its President / Executive Officer,
Sikkarasampalayam,
Sathyamangalam Taluk,
Erode District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Na.Ka.No.1761/A1/2021 dated 19.07.2021, quash the same and consequently direct the respondents to cooperate with the petitioners for cancellation of the gift deed dated 31.08.2016 (doc.No.5327 / 2016) executed by them to the fourth respondent.



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For Petitioner : Mr.N.Manokaran
For Respondents
For R2 & 3 : Mr.P.Baladhandayutham,
Special Government Pleader
For R1 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Na.Ka.No.1761/A1/2021 dated 19.07.2021, quash the same and consequently direct the respondents to cooperate with the petitioners for cancellation of the gift deed dated 31.08.2016 (doc.No.5327 / 2016) executed by them to the fourth respondent.

2. Heard, Mr.N.Manokaran, the learned counsel for the petitioners, Mr.P.Baladhandayutham, Special Government Pleader appearing for the respondents 2 & 3, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the first respondent.

3. The petitioners purchased the property admeasuring 1.60 ½ acres comprised in SF.No.555/1, Sikkarasampalayam Village, Sathyamangalam Taluk by the registered sale deed dated 25.05.2005 registered vide document No.1467 of 2005. In order to develop the said property, they formed layout and approached respondents 3 and 4. As instructed by them, the petitioners executed gift deed for the purpose of formation of roads in favour of the fourth respondent and formed layout in the name and style of 'Sri Bannariamman Nagar' and accordingly divided into 32 house sites and executed gift deed dated 31.08.2016 registered vide document No.5327 of 2016. However, layout approval was also not granted and the petitioners could not able to sell any house sites and as such they intended to restore the layout to its original position with a view to cultivate the same as agricultural land.

4. Therefore, the petitioners submitted representation to the respondents 2 to 4 herein to come forward to cancel the gift deed dated 31.08.2016. The representation was also submitted before the District Registrar, Erode and the same was forwarded to the first respondent by the communication dated 07.06.2021. However, the first respondent rejected the request made by the petitioner for the reason that the gift deed was executed in favour of the fourth respondent for laying road purpose. Therefore, the first respondent has no power to execute the



cancellation of gift deed unilaterally. The petitioners also filed additional affidavit and revealed that the layout is not yet approved and it was withdrawn by the petitioners. Therefore, the petitioners intended to revive back the subject land into agricultural land and sought for cancellation of gift deed executed in favour of the fourth respondent.

5. In view of the above, the order impugned is liable to be set aside. Accordingly, the impugned order dated 19.07.2021 is set aside. The respondents 3 and 4 are directed to join with the petitioners and execute cancellation of gift deed dated 31.08.2016 in the manner known to law within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the first respondent is directed to register the same, if otherwise in order.

6. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Registration Department,
Gobichettipalayam, Erode District.
2. The District Collector,
Erode District, Erode 638 011.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam, Erode District.
4. President / Executive Officer,
Sikkarasampalayam Village
Panchayat, Sikkarasampalayam,
Sathyamangalam Taluk,
Erode District.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.63167

+1cc to the Government Pleader, S.R.No.63442 & 63033

WP.No.25209 of 2021

PMK (CO)

RLP (17/12/2021)