



W.P.No.15437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.15437 of 2022

P.Pushparani

... Petitioner

Vs.

- 1.Government of Tamilnadu,
Rep. by its Secretary,
Revenue Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 5.
- 3.The Assistant Director of
Rural Development (Panchayats),
Namakkal.
- 4.The Block Development Officer,
Tiruchengode, Tiruchengode Taluk,
Namakkal District.
- 5.The Sub-Registrar,
Tiruchengode, Namakkal District.
- 6.The President,
Pudupuliyampatti Village Panchayat,
Pudupuliyampatti, Tiruchengode Taluk,
Namakkal District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in impugned communication of the third respondent in Ref. No.Na.Ka.No.2290 /2019/ Oo.Ne.5, dated 04.10.2021 and quash the same and consequently direct the sixth respondent to execute a gift deed or reconveyance deed in favour of the petitioner with respect to the lands covered under gift deed in Doc.No.3792/2016, dated 22.06.2016 on the file of the fifth respondent.

For Petitioner : Mr.S.Viswanathan

For Respondents : Mr.M.S.Premkumar
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication dated 04.10.2021 of the third respondent bearing reference Na.Ka.No.2290/2019/Oo.Ne.5 and quash the same and consequently direct the sixth respondent to execute a gift deed or reconveyance deed in favour of the petitioner with respect to the lands covered under gift deed in Doc.No.3792/2016, dated 22.06.2016 on the file of the fifth respondent.



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2. By the impugned communication dated 04.10.2021, the third respondent informed the petitioner that though the sixth respondent has given no objection for re-conveying the land gifted by the petitioner, the petitioner should obtain a clarification from the Revenue Authority. The petitioner appears to have approached the Revenue Authority vide Grievance Day Petition dated 27.12.2021 which was rejected by the Revenue Authority on the ground that they have no role to play in conveyance of the land which was gifted by the petitioner.

3. This Court in **Ramasamy Gounder and others Vs. The Block Development Officer and another**, in W.P.No.6851 of 2019, dated 20.11.2019, has held as under:-

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



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object of gifting the land to the 2 nd 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 2 nd respondent herein to re-convey the gifted land back to the land owners at the cost of the land owners.

4. Same order has been passed by this Court, in the case of **C.Varadharasu and another Vs. The District Collector and another**, in W.P.No.6650 of 2020, dated 16.03.2020. The operative portion of the order reads as under:-

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



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29.02.2020 and a copy of this order.

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5. Considering the above, I am inclined to allow this Writ Petition by directing the respondents to permit the re-conveyance of the land that was gifted by the petitioner for formation of unapproved layout as the petitioner no longer intends to proceed further with plotting and selling of the land, within a period of three months from the date of receipt of a copy of this order.

6. As directed by this Court in the above two orders dated 20.11.2019 and 16.03.2020, the petitioner shall ensure that the land will, no longer, be re-classified or sold for any other purpose than the agricultural purpose. Subject to the execution of the documents, the registered gift deed may be cancelled by a proper cancellation deed. It is made clear that cancellation deed should contain that the land will not be used for any other purpose other than the agricultural purposes unless approval obtained from the authority concerned.



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7. This Writ Petition is allowed with the above observations. No

cost.

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Index: Yes/ No
Speaking/Non-speaking Order
jen

To

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C.SARAVANAN, J.



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