



W.P.No.32204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32204 of 2022

C.Kishan Lal

...Petitioner

Vs.

1. The Sub-Registrar,
Thiruvallur District.

2. The Commissioner,
Thiruvallur Panchayat Union,
Thiruvallur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to register and release the cancellation deed dated 7th March 2022, executed by the second respondent in favour of the petitioner, kept as pending document No.35/2022 under receipt dated 19th May 2022, without insisting for the personal appearance of the second respondent.

For Petitioner : Mr.V.R.Thangavelu

For Respondents : Mr.E.Vijay Anand, AGP, for R1



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: Mr.G.Krishna Raja, AGP, for R2

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to register and release the cancellation deed dated 07.03.2022, executed by the second respondent in favour of the petitioner without insisting for the personal appearance of the second respondent.

2. Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the 1st respondent and Mr.G.Krishna Raja, learned Additional Government Pleader takes notice for the 2nd respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the lands comprised in S.Nos.104/1, 104/2, 105/1, 105/2, 105/3, 105/4A, 105/6, 105/7, 105/9A, 105/10A, 106/5, 106/6, 106/11 and 106/12A situated at Veeraraghavapuram Village, Thiruvalangadu were purchased by the petitioner in the year 1984 for development of plots and in view of the then proposed development, one



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acre of lands in the above said lands were gifted to the second respondent vide registered Gift Deed dated 25.04.1986 bearing Doc.No.621 of 1986 for the purpose of laying roads and for other public purposes. However, as the petitioner used the above said lands for agricultural purpose and no development activities had taken place, the petitioner approached the Thiruvallangadu Panchayat Union to return the lands gifted, vide the above said gift deed dated 25.04.1986, pursuant to which, the Panchayat Union in their meeting held on 27.11.2020 decided to give back the lands gifted to them. Subsequently, based on the above said resolution, the 2nd respondent executed a cancellation deed dated 07.03.2022 in favour of the petitioner and forwarded the same to the 1st respondent. Further, the petitioner has also presented the said cancellation deed for registration on 19.05.2022, however, the 1st respondent kept the same as pending in Pending Doc.No.35/2022, despite the receipt of the certificate dated 11.07.2022 issued by the 2nd respondent clarifying that the above said cancellation deed is genuine. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to



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the 1st respondent to register and release the cancellation deed dated 07.03.2022 presented by the petitioner which was kept as pending Doc.No.35/2022, as expeditiously as possible without insisting upon the personal appearance of the 2nd respondent.

5. Learned Additional Government Pleader has no serious objection for the said order being passed and he fairly conceded that appropriate orders will be passed on the document presented by the petitioner.

6. Heard learned counsel on either side and perused the materials available on record.

7. Admittedly, when both the petitioner/executor and 2nd respondent/executee are ready to cancel the gift deed dated 25.04.1986 registered as Doc.No.621 of 1986 and executed the cancellation deed dated 07.03.2022 to that effect and presented the same for registration before the 1st respondent, keeping the same as pending in Pending Doc.No.35/2022 without issuing any further orders is not sustainable.



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8. Hence, this Court, issues direction to the 1st respondent to entertain the above said cancellation deed dated 07.03.2022 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after receipt of necessary registration fees and stamp duty, if there is no legal impediment.

9. With the above observations and directions, this Writ petition is accordingly, disposed of. No costs.

01.12.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Sub-Registrar,
Thiruvallangadu
Thiruvallur District.
2. The Commissioner,
Thiruvallangadu Panchayat Union,
Thiruvallangadu,
Thiruvallur District.

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M.DHANDAPANI, J.

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