



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6520 of 2022

and

W.M.P.[MD]No.5053 of 2022

WEB COPY

E.Kanakambal

... Petitioner

/Vs./

- 1.The Principal Secretary to Government,
Municipal Administration & Water Supply,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Dept of Municipal Administration & Water Supply,
Fort St.George, Chennai.
- 3.The Principal Secretary / Commissioner,
Rehabilitation and Welfare for Non-resident Tamils,
Ezhilagam, Chennai-5.
- 4.The District Collector,
Karur, Karur District.
- 5.The Commissioner,
Karur Municipal Corporation,
Karur, Karur District.
- 6.The District Registrar,
Karur Registration District,
Karur.
- 7.The Sub-Registrar,
Mela Karur Sub Registrar Office,
Karur.
- 8.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Ltd.,
Kumbakonam, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-convey the petitioner's portion of land bearing in S.No.286/2, 286/1B and 288/5 situated at Thoranakkalpatti Village, Karur

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District by cancelling the Gift deed in Doc.No.8262/2020, 8222/2020, 8223/2020 registered before the 7th respondent dated 31.10.2020 within a time frame fixed by this Court.

For Petitioner : Mr.I.Abrar MD Abdullah
For R1, R4, R6 : Mr.S.Shanmugavel,
& R7 Additional Government Pleader.

For R5 : Mr.Veera.Kathiravan,
Additional Advocate General,
assisted by Mr.K.Balasubramani,
Standing Counsel.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to re-convey the petitioner's portion of land bearing in S.No.286/2, 286/1B and 288/5 situated at Thoranakkalpatti Village, Karur District, by cancelling the Gift deed in Doc.No.8262/2020, 8222/2020, 8223/2020 registered before the 7th respondent dated 31.10.2020 within a time frame to be fixed by this Court.

2.According to the petitioner, she had executed gift deeds bearing Document Nos.8262/2020, 8222/2020, 8223/2020 registered before the seventh respondent on 31.10.2020 to enable the respondents to construct a bus stand.

3.The apprehension of the petitioner is that though the gift deeds were executed for construction of a bus stand, since the same did not materialise, the respondents are now attempting to put up a refugee camp in the very same property. On that basis, this writ petition has been filed seeking for cancellation of the aforementioned gift deeds and for reconveyance of the property in favour of the petitioner.

4.Heard Mr.I.Abrar MD Abdullah, learned Counsel for the writ petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 4, 6 and 7 and Mr.Veera.Kathiravan, learned Additional Advocate General, assisted by Mr.K.Balasubramani, learned Standing Counsel, who accepts notice on behalf of the 5th respondent.

5.The learned Additional Advocate General appearing for the fifth respondent, on instructions would submit that this writ petition can be allowed, as the bus stand has not been constructed, as per the aforesaid gift deeds and therefore, the petitioner can unilaterally cancel the gift deeds as per the terms and conditions of the gift deeds.

6.However, the learned counsel appearing for the petitioner
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would submit that the possession of the properties pertaining to the aforementioned gift deeds have to be handed over back to the petitioner in respect of the aforementioned gift deeds, once gift deeds are cancelled unilaterally by the petitioner.

7.The learned Additional Advocate General appearing for the fifth respondent, would further submit that the respondents are also willing to cooperate for the early cancellation of the gift deeds by the petitioner and to hand over the possession back to the petitioner.

8.The learned counsel appearing for the petitioner, on instructions, is agreeable to the submissions made by the learned Additional Advocate General appearing for the fifth respondent.

9.After recording the submissions made by the respective counsels, this Writ Petition is allowed by permitting the petitioner to unilaterally cancel the gift deeds bearing Document Nos.8262/2020, 8222/2020, 8223/2020, registered on the file of the seventh respondent dated 31.10.2020. The petitioner is directed to present the cancellation of the gift deeds for registration within a period of fifteen (15) days from the date of receipt of a copy of this order. In case the cooperation of the fifth respondent is required, the petitioner can seek their cooperation at the time of presenting the cancellation of the gift deeds for registration. Once the gift deeds are cancelled, the fourth respondent shall hand over the vacant possession of the subject properties to the petitioner, within a period of three (3) months from the date of cancellation of the gift deeds. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

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/ /2022

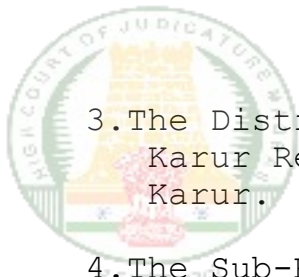
Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Municipal Administration & Water Supply,
Fort St.George, Chennai-600 009.

2.The District Collector,
Karur, Karur District.



3.The District Registrar,
Karur Registration District,
Karur.

4.The Sub-Registrar,
Mela Karur Sub Registrar Office,
Karur.

Copy to:

The Commissioner,
Karur Municipal Corporation,
Karur, Karur District.

+1 CC to M/s.K. BALASUBRAMANI, Advocate (SR-20576[F] dated
22/04/2022)

order made in
W.P. [MD]No.6520 of 2022
21.04.2022

MGJ(10.05.2022) 4P 7C