



W.P.(MD)No.15584 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15584 of 2020

and

W.M.P(MD)No.13081 & 13082 of 2020

Muthu Thevar

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
TNAU Nagar,
Rajagambeeram,
Othakadai.
- 3.The District Registrar,
Office of the Registrar of Registration,
Chalai Bazaar,
Ramanathapuram District – 623 501.
- 4.The Sub Registrar,
Office of the Sub-Registrar,
Kadaladi Registrar Office,
Kadaladi,
Muthukulathur,
Ramanathapuram District.



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5.The District Collector,
Office of the District Collector,
Ramanathapuram District.

6.The Commissioner,
Block Development Officer,
Kadaladi Panchayat Union,
Muthukulathur,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, the impugned order of the fourth respondent, dated 10.09.2020 in RFL/KADALADI - RAMANATHAPURAM /3/2020 is illegal unconstitutional and enforceable and subsequently directing the fourth respondent to register the cancellation deed by the petitioner dated 10.09.2020.

For Petitioner : Mr.S.Ramasundarvijayraj
for M/s.Veera Associates

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is an ex-service man. The petitioner gifted the petition mentioned property in favour of the Government for digging a tank. The settlement was made wayback in the year 2003. The gift deed was



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executed in favour of the sixth respondent. It was not an unconditional absolute gift. It was subject to a condition. It is not in dispute that till date the tank has not been dug. The petitioner wanted the property back. The petitioner's request was rejected by the impugned order. Questioning the same, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioner draws my attention to the order dated 30.10.2017 passed by the Division Bench in W.A.No.836 of 2017. In the said decision, it has been held that when the Government failed to effectuate the purpose for which the gift was granted, the donor can seek return of the gifted property. The said decision squarely applies to the case on hand. The petitioner had executed a deed of cancellation on 10.09.2020. The same was declined to be registered by the fourth respondent. The fourth respondent is directed to register the petition mentioned cancellation deed subject to the fulfilment of the usual formalities. The order impugned in this writ petition is quashed. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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