



W.P. No. 2644 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2644 of 2020

R.L.Padmanaban

... Petitioner

-VS-

1. The Secretary to Government,
Local Administration Department,
Fort St. George,
Chennai – 600 009.

2. The Block Development Officer,
Gudimangalam Panchayat Union,
at Pethappampatti,
Udumalpet Taluk,
Tiruppur District.

3. The Sub Registrar,
Registration Department,
Negamam,
Pollachi Taluk,
Coimbatore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider and pass orders on merits by disposing the written representation made by the Petitioner on 13.11.2019 within a stipulated time as this Court fixes.



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For Petitioner : Mr. C.Prakasam
For Respondents : Mr. M.Alagu Gowtham,
Government Advocate

ORDER

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner and Mr. M.Alagu Gowtham, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had executed a gift deed dated 05.05.2016 which has registered as Document No. 1312 of 2016 in favour of the Second Respondent in respect of certain portions of his agricultural land in S. Nos. 272/1A and 272/1C in Periyapatti Village, Udumalpet Taluk, Tiruppur District, as a condition for submitting his application for converting that property into an approved layout. However, the Petitioner did not subsequently pursue his claim for such layout approval and had made a representation dated 13.11.2019 to the First Respondent to cancel the said gift deed executed by him in favour of the Second Respondent. As it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. Since the Petitioner has an appropriate remedy under Section 31 of the Specific Relief Act, 1963, to institute suit before the jurisdictional Civil Court for cancellation of the instrument and noting the same in the books of the registering authority, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 03.02.2020, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

01.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt



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To

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P.D. AUDIKESAVALU, J.

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