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W.A.No.2838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2838 of 2022

Manoj Kumar
Son of S.Ravichandran

.. Appellant

v.

1. The District Registrar
Office of the District Registrar
Iraniyan Street-3
Annai Sathya Nagar
Rangampalayam
Erode 638 009

2. The Sub Registrar
Office of the Sub Registrar
Varanapuram, Bhavani Taluk
Erode District 638 301

3. The President
Thottipalayam Panchayat
Bhavani Village
Erode District

.. Respondents



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Appeal filed under Clause 15 of the Letters Patent, against the order dated 16.06.2022 passed in W.P.No.14928 of 2022.

For Appellant :: Mr.M.Guruprasad

For Respondents :: Mr.P.Muthukumar
State Government Pleader for
R1 & R2
Mr.P.Balathandayutham
Special Government Pleader
for R3

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

The unsuccessful writ petitioner, having failed in obtaining a writ of mandamus to cancel the gift deed executed in favour of the President, Thottipalayam Panchayat, Bhavani Village, Erode District, the third respondent herein for the formation of road in the land measuring an extent of 4.90 acres in R.S.No.559/1 of Bhavani Village, has brought this appeal, on the premise that when the appellant has gifted the land for formation of a layout, which has not been till date approved, he is entitled to seek for issuance of a mandamus to cancel the gift deed executed in favour of the third respondent dated 16.08.2013.



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2. Learned counsel appearing for the appellant argued before us that it is settled principles of law that once the approval for the layout is rejected or there is no approval of layout and/or the development project itself is dropped, then such gifted property ought to be re-conveyed by the third respondent.

3. The said argument cannot be accepted by this Court, for the reason that when anyone has come forward to gift away the land for the formation of road or formation of unapproved layout, for the reason that there is a delay in formation of the layout or formation of public road, the person who has come forward to gift his land to any local authority, cannot be allowed to cancel the gift deed, that would, in our considered opinion, cause more inconvenience to the formation of the road or granting approval to the layout at a later point of time. We also find that the learned single Judge has rightly answered the question raised by the appellant holding clearly that when the appellant has gifted the land in question for the formation of a layout in the name and style of "Shri Mahalakshmi Nagar", after executing



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the gift deed in favour of the third respondent, the appellant cannot ask for cancellation of the same by filing a writ petition under Article 226 of the Constitution of India. Therefore, finding no infirmity in the impugned order, the writ appeal stands dismissed. No order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.)

(D.B.C.,J.)

Index : yes/no

05.01.2023

ss

To

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D.BHARATHA CHAKRAVARTHY,J.

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