



W.P.(MD) No.10961 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.10961 of 2020
and
W.M.P.(MD) No.9617 of 2020**

Sankaran

... Petitioner

/vs./

1.The District Registrar,
Thoothukudi District,
Thoothukudi.

2.The Sub Registrar,
Sub Registrar Office,
Murappanadu,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No.121/2020 dated 21.08.2020 and quash the same and further directing the 2nd respondent to register the Gift deed dated 23.01.2020 executed by the petitioner in favour of the Govt. for the formation of Road which is relating to Lay out in Ayan Punja land in



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Survey.No.12/2 admeasuring 1.64.0 Hec, Survey No.13/2 admeasuring 3.87.5 Hec and Surevey No.12/1 admeasuring 0.07.5 Hec situated at Deivacheyalpuram Village, Palayamkottai Sub registration limit, Palayamkottai Registration District, Srivaikuntam Taluk, Tuticorin District.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.t.Amjadkhan
Government Advocate

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.121/2020 dated 21.08.2020, quashing the same and directing the second respondent to register the Gift deed dated 23.01.2020 executed by the petitioner in favour of the Government for the formation of road.

2.The impediment to the registration was the proceeding of the Revenue Divisional Officer dated 03.08.2009 in Aa.1/1930/2003. Today, Mr.T.Selvan, learned counsel appearing for the petitioner has submitted a copy of the order passed in W.P.(MD) No.7953 of 2009, wherein the said order has been set aside by this Court. The relevant portion of the order reads as under:-



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“11.In view of the above, the order impugned in this Writ Petition stands set aside and the Revenue Divisional Officer is directed to issue a fresh notice to all the parties concerned and call for their explanations. While doing so, the second respondent is directed to consider the relevant documents to be produced by the parties and after conducting a detailed enquiry, pass a fresh order, within a period of 12 weeks from the date of receipt of a copy of this order. No costs, consequently, connected miscellaneous petitions are closed. At this juncture, the learned counsel for the petitioner submitted that if the order is set aside, there is a possibility to alienate the property. In view of the said submissions, the parties 11 are directed to maintain status quo as on date till the disposal of the issue on hand.”

3.In the light of the above, the Writ Petition is disposed of. Since the proceedings are still pending, a direction is issued to the second respondent to register and release the document, which is a gift deed for the formation of a road which is meant for public use within a period of four weeks from the date of receipt of a copy of this order and the same shall be subject to the result of the proceedings pending before the Revenue Divisional Officer, Tuticorin.



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4.However, there shall be no order as to costs. Consequently, connected
Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

22.06.2023

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To

1.The District Registrar,
Thoothukudi District,
Thoothukudi.

2.The Sub Registrar,
Sub Registrar Office,
Murappanadu,
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P.T.ASHA, J.

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