



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.8928 of 2021

N.Palanisamy

... Petitioner

Vs

1.The Special Commissioner and
Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner For Land Administration,
Chepauk,
Chennai – 600 005.

3.The Special Officer,
Kaukkupalayam,
Perunduari Circle,
Erode District.

4.The Sub-Registrar,
Sub-Registrar Office, Thingalur,
Perundurai Taluk,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, in the nature of a Writ of Declaration, declaring the gift deed dated 04.11.2015 executed by the petitioner towards the 3rd respondent on the file of the 4th respondent is null and void.

For Petitioner : Mr.M.Muthappan

For R1 to R3 : Mr.N.Naveenkumar,
Government Advocate

For R4 : Mr.C.Meera Arumugam

ORDER

This Writ Petition has been filed in a nature of a Declaration, declaring that the gift deed dated 04.11.2015 executed by the petitioner in favour of the 3rd respondent, the Special Officer, Kaukkupalayam Village, Perundurai Taluk, Erode District, as null and void.

2.The gift deed involves a donor and donee. Once the gift has been accepted, it becomes final. In the instant case, the petitioner owned 96 cents of agricultural land. He also owned 50 coconut trees and does groundnut farming. He wanted to convert the agriculture land at S.No.283/8, 24, 25, 26, 27 and 28, that is 44 acres, into house sites and develop the property as Arumai Nagar Enterprise. He therefore voluntarily gave up his role as farmer and has become a businessman and real estate agent. In order to get approval of the layout, he had executed a



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gift deed on 04.11.2015 registered as Document No.3488/2015 for the purpose of construction of sewage line, street light and water pipeline.

This had been gifted in the year 2015.

3.It is stated that however the layout had not been formed, but possession had been taken by the 3rd respondent. If the petitioner had voluntarily withdrawn from forming the layout, he cannot place the blame on the respondents. Even otherwise, a gift deed being a document entered into with consent by two parties cannot be interfered with or set aside by this Court exercising jurisdiction under Article 226 of the Constitution of India.

4.With the above observations, this Writ Petition stands dismissed. No costs.

25.11.2024

Internet :Yes/No

Index :Yes/No

NCC :Yes/No

smv

C.V.KARTHIKEYAN, J.

smv



To

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