



W.P (MD).No.5250 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.5250 of 2024

and

W.M.P(MD)No.5035 of 2024

Valliammai

...Petitioner

Vs.

1.The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

2.The Commissioner,
Trichy Municipal Corporation,
Corporation Office,
Trichy District.

3.The Sub Registrar,
Sri Rangam Sub Registrar Office,
Trichy District.

4.The Divisional Engineer,
State Highways Unit SHU 9,
Dindigul Road,
Trichy.

(R4 is suo motu impleaded vide
Court order dated 26.04.2024)

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to cancel the Gift Deed registered for the 2500 Sq. ft land comprised in T.S.No.5/4D35B in Tiruchirappalli District, Srirangam Taluk, Vellithirumutham Village, Srirangam Municipal Ward No.3, Block No.1, Situated in Chennai Trunk Road, Thiruvanaikaval, Tiruchirappalli in Document No.2875 of 2009 dated 18.12.2009 and consequently directing the second respondent to restore it in earlier position.

For Petitioner	: Mr.G.Prabhu Rajadurai for Mr.M.Rajarajan
For R1 & R3	: Mr.D.Sadiq Raja Additional Government Pleader
For R2	: Mr.R.Baskran Senior Counsel for R.B.Law Associates

ORDER

This writ petition has been filed for a direction directing the third respondent to cancel the Gift Deed executed in favour of the second respondent vide document No.2875 of 2009, dated 18.12.2009 to an extent of 2500 sq.ft comprised in T.S.No.5/4D35B in Srirangam Municipal Ward No.3, Blcok No.1, Vellithurumutham Village, Srirangam Taluk, Tiruchirappalli District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The petitioner owned a land to an extent of 7500 sq.ft comprised in T.S.No.5/4D35B in Srirangam Municipal Ward No.3, Block No.1, Vellithurumutham Village, Srirangam Taluk, Tiruchirappalli District. He had constructed Residential Apartment complex to an extent of 5000 sq.ft. The remaining 2500 sq.ft of land was gifted in favour of the second respondent by the gift deed, dated 18.12.2009 on the following conditions:-

"1.The land should be used for road widening purpose only.

2.There should not be any condition affecting the interest of the DONOR on security reasons.

3. There should not be any assignment or lease to any third party without the knowledge of the DONOR.

4. On any circumstances, there should not be any trespass to the DONOR'S remaining vacant land and to have access to the land now given as gift and the DONEE has agreed to accept the same.

5. In the event of any change or withdrawal of the Road Widening Proposal i.e., "Puravalichalai Virivu Abiviruthi Thittam No.1" by the Government either in suomotu or by court rulings, this Gift Deed will become null and void"

4. From the above conditions, it is clear that subject property was gifted in favour of the second respondent only for the purpose of "Puravalichalai Virivu Abiviruthi Thittam No.1". It cannot be used for any



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other purpose. If the land is not used for that purpose, the gift deed will become null and void. Now, no road has been expanded till today from the year 2009. Therefore, the petitioner submitted a representation to cancel the gift deed executed in favour of the second respondent.

5. On a perusal of the counter affidavit filed by the second respondent revealed that though the gift deed executed in favour of the second respondent, the State Highways Department is the competent authority for laying and widening of road.

6. The learned Senior Counsel appearing for the second respondent would submit that already there is an administrative sanction accorded by the Government to lay a another 4 lane road by forming a new bridge at Km 315/6-316/2 of Chennai-Trichy-Dindigul road on the left end side of the existing road. Therefore, the said land is very much require for laying new 4 lane road. He also assured that the said land cannot be used for any other purpose.

7. The learned counsel for the petitioner would submit that the scheme called Puravalichalai Virivu Abiviruthi Thittam No.1 and only to



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implement the said scheme, the subject land was gifted in favour of the second respondent. Now, the scheme itself is not in force, it was coming under the detail development plan in Trichy District. In fact, Highways Department has to acquire the land for detail development plan in Trichy District. Admittedly, no plan has been implemented so far and the subject land is not used for the said purpose.

8. Though the learned Senior Counsel produced the communication from the Divisional Engineer, Highways Department, Trichirappalli addressed to the second respondent dated 10.04.2023 stating that already the Government has accorded sanction to form 4 lane by forming new bridge adjacent to the existing bridge in between the Cauvery River, there is no mentioning about the date of administrative sanction and plan. In view of the above, admittedly, the land is kept vacant and not used for the purpose for which gifted in favour of the second respondent.

9. In view of the above, if the respondents and the Highways Department failed to float the tender for formation of 4 lane road within a period of eight weeks from the date of receipt of a copy of this order as per the condition No.5 of the Gift Deed, dated 18.12.2009 vide document No.2875 of



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2009 gift deed will become null and void. The petitioner is at liberty to deal with the subject property.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

06.12.2024

To

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G.K.ILANTHIRAIYAN, J.

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