



W.P(MD)No.6678 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6678 of 2024

A.Raja

... Petitioner

Vs.

The Sub-Registrar,
Devaram,
Uthamapalayam Taluk,
Theni District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the gift deed in favour of petitioner's sons name based on the draft gift deed No.TP/176561370/2024 dated 08.03.2021 pending before the respondent office within a stipulated period as prescribed by this Court.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.D.S.Neduncheziyan,
Government Advocate.



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ORDER

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Heard both sides.

2.The petitioner had executed the petition mentioned gift deeds in favour of his sons. He wants the respondent to register the same. The petitioner had already filed W.P.(MD)No.147 of 2023. It was disposed of by me on 30.01.2023 in the following terms:-

“4. The policy of the Government is that unapproved layouts cannot be allowed to be promoted. Plots which are part of such unapproved layouts cannot be sold or registered. If the registering authority unmindful of the statutory prohibition entertains a document and register the same, he is even liable for prosecution. At the same time, a balance can be struck between the decision relied on by the learned Counsel appearing for the writ petitioner and the statutory prohibition. The learned Counsel for the petitioner states that a recital to the effect that the schedule property will not be sold in favour of third parties without getting prior approval from the competent authority will be incorporated. The petitioner is permitted to re-present the petition mentioned document after adding the recital mentioned above. Thereupon, the second respondent shall receive the same,



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register it and release it subject to fulfilment of other usual formalities.”

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If the gift deeds are in terms of the aforesaid order, the respondent will register the same subject to fulfilment of usual formalities.

3.This writ petition is disposed of accordingly. No costs.

20.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub-Registrar,
Devaram,
Uthamapalayam Taluk,
Theni District.



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G.R.SWAMINATHAN, J.

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