



W.P(MD)No.17924 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17924 of 2023

and

W.M.P.(MD)Nos.16736 and 16741 of 2023

1.D.Murugan

2.R.Rajakannan

3.P.Athisivan

4.Vaigai

... Petitioners

Vs.

1.The Director,
Local Planning Authority,
Annamaligai,
Madurai Corporation Office,
Madurai – 20,
Madurai District.

2.The Assistant Director,
Local Planning Authority,
Palkazhai Nagar,
Madurai District.

3.The Sub Registrar,
Chekkanurai,
Madurai District.

... Respondents



W.P(MD)No.17924 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent 3 to take necessary steps for cancellation of the gift deed dated 26.07.2022 bearing Doc. No.2334/2022 executed by the petitioners 1, 2 in pursuance of the order dated 07.03.2023 in proceedings Na.Ka.No.845/2023/Ma.The.5 cancelling the layout approval dated 01.09.2022 in proceedings Na.Ka.No.1469/2022/Ma.Pa.Pa.Va.Ku in respect of the property comprised in S. No.23/5, Kongarpuliangulam, Chekkanoorani, Madurai District to an extent of 18 cents.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondents : Mr.D.Nedunchezian,
Government Advocate.

ORDER

Heard both sides.

2.The petitioners 1 and 2 executed gift deed dated 26.07.2023 in favour of the local body / second respondent as a part of layout approval process. The third petitioner herein initiated litigation and as a result, the petitioners 1 and 2 were unable to proceed with the process. The approval was granted by the Government in favour of the petitioners 1 and 2 on 07.03.2023. Now the petitioners 1 and 2 have decided to sell the entire property in favour of the petitioners 3 and 4.



W.P(MD)No.17924 of 2023

3.The learned counsel for the petitioners submits that the very object for executing gift deed was to facilitate obtaining of layout planning approval. Now that the approval has been cancelled, as a consequence, the gift deed also should be cancelled.

4.I find considerable force in the said contention. The gift was not to be made in vacuum. It was part of a process. Now that the process has been nullified, the gift alone cannot stand.

5.In this view of the matter, the very registration of the gift deed stands cancelled. The third respondent is directed to register this order in the encumbrance register. That would more than address the grievance of the petitioners herein.

6.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.17924 of 2023

G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Director,
Local Planning Authority,
Annamaligai,
Madurai Corporation Office,
Madurai – 20,
Madurai District.
- 2.The Assistant Director,
Local Planning Authority,
Palkazhai Nagar,
Madurai District.
- 3.The Sub Registrar,
Chekkanurai,
Madurai District.

W.P(MD)No.17924 of 2023

14.03.2024
(2/2)