



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 39224 of 2024

K.Ganapathi

Petitioner(s)

Vs

1.The Assistant Director
District Town and Country Planning
Office, Tiruppur District.

2.The Sub Registrar
Kangayam Sub-Registrar Office,
Tiruppur District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 2nd respondent dated 05.12.2024 in Na.Ka.No.250/2024 and quash the same and consequently direct the 2nd respondent to register the Gift Deed dated 18.10.2024 executed by the petitioner in favour of the president Palayakottai Village and the Gift Deed dated 18.10.2024 in favour of the Superintending Engineer, Palladam Circle, TANGEDCO in a time bound manner.



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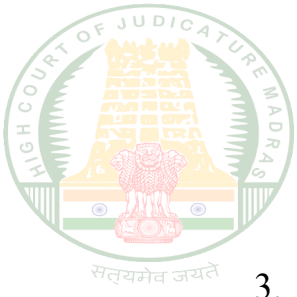
For Petitioner(s): Mr.A.Mohamed Ismail

For Respondent(s): Mr.U.Baranidharan, SGP

ORDER

The present writ petition has been filed challenging the refusal check slip issued by the 2nd respondent dated 05.12.2024 and seeking for a direction to the 2nd respondent to register the Gift Deed dated 18.10.2024 executed by the petitioner in favour of the president Palayakottai Village and the Gift Deed dated 18.10.2024 in favour of the Superintending Engineer, Palladam Circle, TANGEDCO.

2. It is submitted by the learned counsel for the petitioner that the petitioner purchased an extent of 1.81 ½ acres in RS No.446/2B2A and an extent of 0.06 acres at Kuttapalayam village, Kangeyam Taluk, Tiruppur District through a sale deed dated 20.03.2023. Earlier, the property was involved in disputes regarding a pathway with adjacent landowners, and there were also issues regarding the conversion of agricultural land into house sites.



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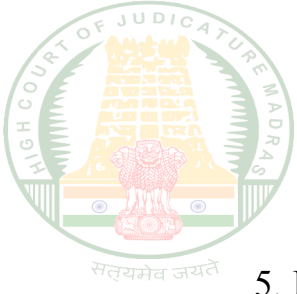
3. It is submitted that a writ petition was filed by the erstwhile owner Mr.Arjun Sivakumar in W.P.No.12312 of 2020 and this Court disposed of the writ petition with a direction to the authorities not to permit any conversion. Another writ petition was filed by one Murthy in W.P.No.12650 of 2022, challenging a demolition notice, which was dismissed. The building constructed on the property was subsequently demolished. Thereafter, petitioner intended to develop the property and approached the authorities for permissions. The Deputy Director of Agriculture certified that the land had not been cultivated for three years and had no irrigation source, making it suitable for non-agricultural purposes. The 1st respondent approved the road pattern plan, and the petitioner was required to execute gift deeds in favour of the local body and TANGEDCO. However, the 2nd respondent refused to register the gift deed due to objections from adjacent landowners. Hence, the petitioner filed the present writ petition.

4. At the outset, it is submitted by learned Special Government Pleader for respondents that owners of adjacent plots (446/2B2A and 446/2B2B) have



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allegedly encroached a portion of the petitioner's land using a fabricated revenue plot map and gave a power of attorney deed to one Mr.Palaniswami through Document No.2263 of 2018. Thereafter, petitioner filed original suit in O.S.No.282 of 2018, in the Kangayam Land Court on 13.12.2018, seeking restitution of their property from the alleged illegal encroachment. Further, landowners have attempted to convert agricultural land into residential plots without obtaining requisite Governmental permissions, including the construction of a tar road and sewerage infrastructure. This Court issued a permanent injunction in W.P.No.12312 of 2020 to prevent land conversion and take action against illegal constructions. Despite this, the order was not implemented, leading to a Contempt of Court in CONT.P.No.16 of 2022 with an order to remove illegal constructions. Hence, the authorities after considering these issues refused to register the gift deeds presented by the petitioner. However, the petitioner may represent the document/ gift deed and the same would be considered and orders would be passed in accordance with law within the time frame to be fixed by this Court. Agreed to by the learned counsel for petitioner.



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5. In view thereof, the Writ Petition stands disposed of with a direction to the petitioner to represent the document/ gift deed for registration before the competent authority/respondent, accompanied by requisite documentary evidence. The concerned respondent shall consider and register the document, if it is otherwise in order. If for any reason the registering authority finds that the registration ought to be refused, the same shall be done after assigning reasons and after putting the petitioner, and other interested parties on notice. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law. No costs.

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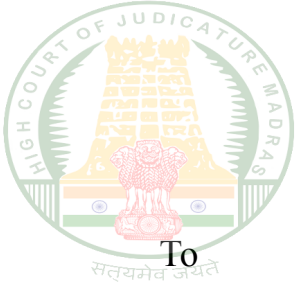
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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MOHAMMED SHAFFIQ J.

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