



W.P.(MD)No.13910 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13910 of 2025

V.Ananthapalani

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
M.Reddiyapatti,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the refusal check slip by its Refusal No. RFL/M.Reddiyapatti/4/2025 issued by the second respondent dated 29.04.2025 and quash the same as unlawful and unsustainable and consequently directing the second respondent to register the gift deed dated 24.04.2025 as and when the same is presented by the petitioner.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mrs.S.Jeyapriya
Government Advocate



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ORDER

The petitioner challenges the refusal cheque slip issued by the 2nd respondent dated 29.04.2025 and seeks consequential direction to the 2nd respondent to register the gift deed dated 24.04.2025.

2. Heard Mr.S.Kishore Kumar, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate for the respondents.

3. The case of the writ petitioner is that the petitioner has proposed to gift a portion of the properties to the Government for the purpose of creating a pathway to be used by the adjoining landowners. Admittedly, the petitioner is the owner of the subject lands proposed to be gifted to the Government. The gift deed, in which the Tamil Nadu Government is the Donee and the property proposed to be gifted is a pathway classified as 'Nadaipaathai' even in the Government records. Therefore, the gift deed is proposed to be executed only with the object of ensuring that the subject land continues to be used as pathway. It is surprising to note that the Sub Registrar has issued the refusal check slip seeking no objection from the Block Development Officer.



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4. I have perused the proposed gift deed that is sought to be registered. It is clear from the document that the gift is intended solely for the purpose of allowing the public to use the land as a pathway. Therefore, the purpose of the gift is to ensure the continuity of the pathway for the benefit of the public at large. I do not see any requirement of the Block Development Officer to provide a No Objection Certificate for the petitioner to execute the gift deed in favor of the Government.

5. In the light of the above, the impugned order dated 29.04.2025 is set aside. The 2nd respondent is directed to register the gift deed dated 24.04.2025, subject to the petitioner paying the requisite stamp duty and registration charges. The registration process should be completed within a period of 8 weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. No costs.

08.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

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Virudhunagar.
- 2.The Sub-Registrar,
M.Reddiyapatti,
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P.B.BALAJI, J.

Nsr

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