

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.16601 of 2024

The Executive Officer,
Melachokkanathapuram Town Panchayat,
Bodinayakkanur Taluk,
Theni District.

... Petitioner

Vs

1.The District Registrar,
Periyakulam,
Theni District.

2.The Sub-Registrar,
Bodinayakkanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned Refusal Check Slip, dated 16..2024 in RFL/Bodinayakkanur/31/2024, issued by the second respondent and to quash the same as illegal and consequently to direct the second respondent to register the gift deed, dated 16.7.2024 executed in favour of the Petitioner on representation, if otherwise in order, within the time stipulated by this Court.

For Petitioner : Mr.A.K.Manikkam

For RR 1 and 2 : Mr.D.Sadiq Raja
Addl.Govt.Pleader



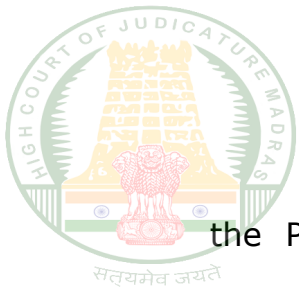
ORDER

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This Writ Petition has been filed challenging the refusal check slip issued by the second respondent, dated 16.7.2024 thereby refusing to register the gift deed in favour of the Petitioner, dated 16.7.2024 on the ground that the executant of the gift deed has not registered the body.

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

3.The property comprised in S.No.305/2 and 305/4 to a total extent of 4 acres and 84 cents was purchased by Sir.P.T.Thiyagarajar Aasiriyar Aluvalar Pokkuvarathu Uliyargal Kudiyiruppu Sangam, Bodinayakkanur, Theni District by four registered sale deeds, dated 8.6.1987, 9.6.1987, 10.6.1987 and 11.6.1987 vide document Nos.1158 of 1987, 1164/1987, 1179/1987 and 1189 of 1987 respectively. Thereafter the said association laid out the subject properties and obtained lay out approval from DTCP, Madurai by proceedings in Ma.Va.Ma(Ma.Ma) NO.75 of 1987. As per lay-out, some portion of the land to be gifted in favour of Melachokkanathapuram Town Panchayat. After that, the land was gifted by gift deed, dated 20.10.2005 in favour of



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the Petitioner vide document No.2806 of 2005. However some portion of the land to an extent of 1026 sq ft was left out from gifting in favour of the Petitioner for the purpose of park. On the instance of the Petitioner, the said Association had executed a gift deed in respect of the land ad-measuring 1026 sq.ft in favour of the Petitioner and presented for registration. However the second respondent refused to register the same on the ground that the executant is not a registered body and had failed to produce any resolution.

4.Admittedly, the said association had purchased the properties and laid out the same by obtaining DTCP approval. As per the conditions of lay out approval, the said association ought to have gifted some portion of the land for the purpose of common use and public purpose. Accordingly some portion of the land was gifted in favour of the petitioner and the land which is ear-marked for park was not gifted in favour of the petitioner. Therefore, now the association had executed a gift deed in favour of the Petitioner in respect of the land measuring 1026 sq.ft which is ear-marked for the purpose of park as per lay out approval. Whether the executant is a registered body or not is not a bar for the registering authority to register the document which was presented for registration by



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the association. In fact, the said subject land is gifted in favour of the Petitioner, who is none other than the town panchayat represented by its Executive Officer.

5. Therefore the impugned refusal check slip is liable to be quashed and accordingly quashed. The Petitioner is directed to represent the gift deed for registration and on receipt of the same, the second respondent is directed to register and release the same forthwith, if it is otherwise in order.

6. The Writ Petition is accordingly allowed. There shall be no order as to costs.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

To

1. The District Registrar,
Periyakulam,
Theni District.

2. The Sub-Registrar,
Bodinayakkanur,
Theni District.



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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.16601 of 2024

21.01.2025