



W.A(MD)No.461 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.461 of 2025
and
C.M.P(MD)No.3668 of 2025**

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
TNAU Nagar,
Rajagambeeram,
Othakadai.
- 3.The District Registrar,
Office of the Registrar of Registration,
Chalai Bazaar,
Ramanathapuram District – 623 501.
- 4.The Sub Registrar,
Office of the Sub-Registrar,
Kadaladi Registrar Office,
Kadaladi,
Muthukulathur,
Ramanathapuram District.



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5.The District Collector,
Office of the District Collector,
Ramanathapuram District.

6.The Commissioner,
Block Development Officer,
Kadaladi Panchayat Union,
Muthukulathur,
Ramanathapuram District.

... Appellants/Respondents

vs.

Muthu Thevar

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.07.2022 made in W.P(MD)No.15584 of 2020 on the file of this Court.

For Appellants : Mr.R.Suresh Kumar
Additional Government Pleader

For Respondent : Mr.S.Ramsundarvijayraj

JUDGMENT

(Judgment of the Court was delivered by J. NISHA BANU, J.)

The present Writ Appeal is directed against the order passed by the Writ Court dated 01.07.2022 made in W.P(MD)No.15584 of 2020.



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2.The respondent/writ petitioner filed the Writ Petition to declare the impugned order passed by the fourth respondent dated 10.09.2020 as illegal and consequently to direct the fourth respondent to register the cancellation deed of the writ petitioner dated 10.09.2020.

3.The Writ Court, after considering all the materials available on record, allowed the Writ Petition directing the fourth respondent to register the cancellation deed subject to the fulfilment of the usual formalities. Challenging the same, the respondents as appellants have preferred the present Writ Appeal.

4.The learned Additional Government Pleader appearing for the appellants stated that once the title in respect of the immovable property was transferred in the name of the sixth appellant, the writ petitioner has no *locus standi* to deal with the property and execute a cancellation deed in accordance with the provisions of the Registration Act, 1908. Thus, the unilateral cancellation of settlement deed executed by the writ petitioner is invalid and in violation of the Registration Act, 1908, in which the writ Court has failed to consider the same.



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He further stated that the writ petitioner has to approach the civil Court to establish his right over the property in question and to annul the settlement deed, as it involves the disputed question of facts and the civil Court has to decide the issue on its own merits, when the unilateral cancellation of settlement deed is impermissible under the Registration Act, 1908 and prayed for allowing the Writ Appeal.

5.Heard Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the appellants and Mr.S.Ramsundarvijayraj, learned counsel appearing for the respondent.

6.Perusal of the materials available on record, it is seen that the writ petitioner is an ex-service man and gifted his property to an extent of 2 acres in Survey No.154/4, Boothakudi Village, Kadaladi Sub Registration, Ramanathapuram District in favour of the sixth appellant by a registered gift deed Document No.91 of 2003 on the file of the fourth appellant. The writ petitioner gifted the subject property in favour of the Government for digging a tank. Even after 17 years from the date of execution of the gift deed in favour of the sixth



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appellant, there was no process or planning to store the water in the said land by them. Due to which, the writ petitioner presented a cancellation deed before the fourth appellant. However, the writ petitioner's request was rejected by the fourth respondent, dated 10.09.2020.

7.The writ Court relied upon the Judgment of this Court in ***W.A.No.836 of 2017, dated 30.10.2017 (The Tahsildar and another Vs. P.Bagyalakshmi)***, wherein it is held that when the Government failed to effectuate the purpose for which the gift was granted, the donor can seek return of the gifted property and based on the said Judgment, the writ Court rightly allowed the Writ Petition, which does not warrant any interference.

8.In view of the above, we are not inclined to interfere with the order passed by the writ Court, dated 01.07.2022. Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

[J.N.B.,J.] & [S.S.Y.,J.]
05.03.2025



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NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

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ORDER MADE IN
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