

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10764 of 2014

K.Palanisamy

...Petitioner

Vs

The Commissioner,
Namakkal Municipality,
Namakkal,
Namakkal District.

...Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 20.03.2014 on merits.

For Petitioner : Mr.S.Gunaseelan

For Respondent : Mr.Raja Mathivanan

O R D E R

According to the petitioner, the petitioner has executed a Gift Deed in favour of the respondent Municipality on 03.12.1979 in respect of 92 cents of land in S.No.231/2 in Periapatti Village, Namakkal Municipality in the Sub-Registration District of Namakkal. Now the petitioner has made a representation to the respondent to cancel the Gift Deed and allow him to enjoy the property continuously. Since no reply has been given by the respondent, the present writ petition has been filed.

2.The learned standing counsel appearing for the respondent has submitted that after execution of Gift Deed by the petitioner in favour of the respondent Municipality, the respondent Municipality earmarked the said area for Children's Park. He further submitted that once the property is gifted to the Municipality and the same has been earmarked for Children's Park, ie., for a public purpose, the request of the petitioner cannot be entertained at this length of time.

3. Admittedly, the property in question has been gifted by the petitioner in favour of the respondent Municipality way back in the year 1979 and now the Municipality has earmarked the property for constructing Children's Park. In these circumstances, the respondent Municipality cannot cancel the Gift Deed and handover the land to the petitioner. The petitioner has no locus standi to make such a claim. If the petitioner encroaches the said land, it is open to the respondent Municipality to take action for removal of encroachment.

4. With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

The Commissioner,
Namakkal Municipality,
Namakkal,
Namakkal District.

+1cc to M/S.S.Gunaseelan, Advocate Sr.13500
+1cc to M.Rajamathivanan, Advocate Sr.13619

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