



W.P.No.596 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.596 of 2020

J.Bheeman

... Petitioner

Vs

1. The District Collector,
Collectorate,
Udhagamandalam – 643001,
Nilgiris District.

2. The Executive Officer,
Athigaretti Town Panchayat,
Athigaretti,
Nilgiris.

3. The Zonal Deputy Tashildar,
Coonoor Taluk,
Coonoor,
Nilgiris District.

4. The Revenue Divisional Officer,
Coonoor Taluk,
Coonoor,
Nilgiris District.

5. The Assistant Director Town Panchayat,
Udhagamandalam,
Nilgiris District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to execute a Deed of Cancellation on Gift Deed dated 30.11.2007, registered as Document No. 2278 of 2007 and hand over the property to the petitioner.

For Petitioner : Mr. V.Balasubramani

For Respondents : Mr. V.Manoharan,
Additional Government Pleader
(for R1, R3 to R5)

Mrs. A.Sri Jayanthi (for R2)

ORDER

This Writ Petition has been filed to execute the cancellation of the gift deed dated 30.11.2007, registered vide Document No. 2278 of 2007.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The property, admeasuring an extent of 12 cents comprised in Old S.F. No. 1588/1, New No. 533/2, belongs to the petitioner. While that being so, the Village Panchayat and entire villagers of Athigaretti Panchayat



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approved the petitioner to allot the said property for the specific purpose of constructing a Panchayat Office. The petitioner accepted the request graciously and executed a gift deed in favour of the Executive Officer, Athigaretti 1st Grade Special Panchayat on 30.11.2007, registered vide Document No. 2278 of 2007. In fact, even before the execution of the gift deed, the Panchayat passed Resolution No. 87 of 2007, dated 23.07.2007, thereby allotting a sum of Rs. 10,00,000/- for constructing a new Panchayat building. However, even till today, the respondents have not constructed any Panchayat Office on the said land, which was gifted by the petitioner. Therefore, the petitioner has made a request to cancel the gift deed.

4. The learned counsel for the second respondent, on instructions, states that the land is used only for public purposes, and the said land is not used for any other purpose. That apart, once the land is gifted in favour of the Panchayat, it cannot be cancelled on the ground that the said land was not utilized for the said purpose.



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5. On a perusal of the gift deed dated 30.11.2007, it is revealed that it was executed for the purpose of constructing a Government building. It does not specifically mean for a Panchayat Office. Therefore, it can be used for the construction of any other Government building.

6. In view of the above, the request made by the petitioner cannot be considered and is liable to be dismissed. Accordingly, this Writ Petition is dismissed. However, it is made clear that the respondents shall not use the land gifted by the petitioner for any purpose other than the construction of a Government Office. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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To

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