



WEB COPY

W.P.No.23470 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23470 of 2021

Srinivasan

... Petitioner

Vs.

1. The District Collector,
Ariyalur District.

2. The Headmaster,
Government Higher Secondary School,
Paranam, Senthurai,
Ariyalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to dispose of the representation dated 20.11.2019 on merits.

For Petitioner : M/s.E.Yuvarani

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation dated 20.11.2019.



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2. The petitioner states that the property at Survey No.207/5A, Pranam (South) Village, Senduram Taluk, Ariyalur District measuring an extent of 26 cents originally belonged to his family. The Government High School in North Paranam is running for the benefit of the children of the Village. However, the school doesn't have enough space and therefore, the petitioner gifted a portion of their property for expansion of school. The petitioner admittedly executed a Gift Deed in favour of the 1st respondent / District Collector for developing infrastructure facilities in the Government School.

3. Ms. E.Yuvarani, learned counsel for the petitioner would contend that the portion of the property gifted by the petitioner has not been utilized by the Government for the construction of building for the benefit of the Government School. Thus, the petitioner submitted a representation to revoke the Gift Deed and to hand over the portion of the land.

4. High Court cannot issue a direction to cancel the Gift Deed, which was executed voluntarily by the petitioner. Once a Gift Deed is executed, the property vest with the beneficiary and the same cannot be directed to be



W.P.No.23470 of 2

returned back to the original owner which is impermissible under Law.

Thus, the issuing a direction to consider the representation would do no service to the cause of justice but the petitioner will be back again to the Court.

5. For all these reasons, this Writ Petition stands dismissed. No costs.

08.02.2024

Jeni
Index : Yes
Speaking order

To

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Ariyalur District.
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Government Higher Secondary School,
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Ariyalur District.



WEB COPY



W.P.No.23470 of 2

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.23470 of 2021

08.02.2024