



Review Application No.233 of 2023

in

W.P.No.22912 of 2017

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S.M.SUBRAMANIAM, J.

The present review application is filed to review order dated 23.08.2023 passed in W.P.No.22912 of 2017.

2. The writ petitioner is the review petitioner. The writ petitioner approached the respondents for cancellation of Gift Deed dated 27.03.2002 registered vide Document No.833 of 2002. The petitioner approached the District Collector to cancel the Gift Deed executed by his maternal grandfather, gifting a portion of the property for the purpose of formation of road in an unapproved layout. The maternal grandfather of the writ petitioner, one Vella Gounder owned agricultural land to an extent of 4 acres in Pudhur Village, Modakurichi Taluk, Erode District. The said agricultural lands were converted as unapproved house site, without any sanction from the planning authorities. The maternal grandfather of the petitioner sold the house sites to the third parties. While doing so, he formed roads inside the layout and gifted the said roads in favour of Panchayat Union, Modakurichi for providing infrastructure facilities to the people, who had purchased the house sites and constructed residential houses.

3. This Court considered the facts and passed the order that there is no



provision to cancel the Gift Deed, which was executed in the year 2002. The consequence of such cancellation would result in a larger repercussion, since the third parties have already purchased plots and had constructed residential houses and infrastructure facilities were also provided by the local authorities.

4. In the absence of any provision to cancel the Gift Deed, High Court in a writ proceeding cannot issue a direction to cancel the Gift Deed. Thus, the order of the District Collector, rejecting the claim of the writ petitioner was confirmed by this Court.

5. The petitioner appearing in person would submit that the execution of the Gift Deed itself is *void ab initio*. Forming unapproved layout is irregular and therefore, the Gift Deed is to be cancelled. Such ground raised by the writ petitioner after a lapse of several years from the date of execution of the sale deed is impermissible and High Court cannot issue any such direction, which is beyond the scope of the powers of judicial review. If at all any such scheme to regularize the unapproved layout is in force, it is for the petitioner to workout his remedy by approaching the Government. However, writ court cannot issue a direction to cancel the Gift Deed, which was executed by the paternal grandfather of the petitioner in the



year 2002. The grounds raised in the review petition cannot be construed as grounds to review the order. The scope of review cannot be expanded by re-adjudicating the grounds raised in the review petition. Only an error, which is apparent on record may be corrected, if any identified and therefore, the review petition is devoid of merits and stands dismissed.

31.01.2024

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