



W.P.(MD)No.17563 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.17563 of 2017

B.Gopal

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to restore the joint patta stood in the name of the petitioner and his brother prior to the Gift deed, dated 23.08.2005 by considering the petitioner's representation, dated 12.07.2017 within the time frame as fixed by this Court.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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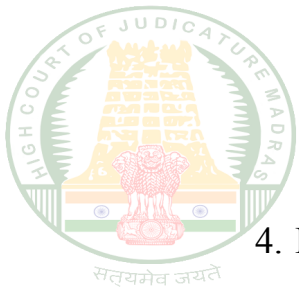
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ORDER

The petitioner filed the present writ petition seeking direction to the 2nd respondent to restore the joint patta in the name of the petitioner and his brother as it stood prior to the gift deed, dated 23.08.2005

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The learned counsel for the petitioner submits that, in order to provide land for poor people, the petitioner and his brother came forward to gift substantial portion of lands measuring 1 acre 51 cents, out of total entitlement of 2 acres 17 cents. However, the grievance of the petitioner is that, despite the laudable gift made by the petitioner and his brother, the respondents have not taken any steps to allot the said lands to the downtrodden / poor people. Therefore, the purpose of the gift has stood defeated and the petitioner consequently seeks for restoration of patta in joint names of his brother and himself.



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4. However, as rightly contended by the learned Additional Government Pleader, the petitioner can only challenge the proceedings under which the gift was made subject to condition that the lands would be used for providing house sites to landless poor.

5. Therefore, if at all the petitioner is aggrieved by the inaction on the part of the respondents in utilising the gifted lands for the purposes, for which it was gifted originally, it is open to the petitioner to initiate appropriate proceedings, challenging the said inaction on the part of the respondents. The petitioner has instead approached this Court seeking issuance of writ of mandamus for restoring patta in the joint names of the petitioner and his brother. As long as the gift deed executed by the petitioner and his brother is in force, the petitioner cannot maintain the prayer for issuance of writ of mandamus. Therefore, giving liberty to the petitioner to recall / revoke the gift deed in a manner known to law, this writ petition is disposed of. No costs.

15.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.

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To:

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Ramanathapuram.
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