

In the High Court of Judicature at Madras

Dated: 19-8-2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

W.P. No.31443 of 2012 and
M.P.No.1 of 2012 and
M.P.No.1 of 2014

T.P.Subramaniam .. Petitioner.
Versus

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The Deputy Inspector General of Registration,
Coimbatore-18.

3. The Sub Registrar,
O/O. The Sub Registrar,
Thingalur-638 011,
Erode District.

4. The District Collector,
Collectorate Building,
Erode-638 011, Erode District.

5. The Executive Engineer,
Public Works Department,
Buildings (C&M) Division,
Erode-638 011.

.. Respondents.

Prayer: Writ Petition is filed to issue a Writ of Mandamus, directing the respondents to construct the Thingalur Sub Registrar Office in pursuance to the Proc.No.42163/H1/2011 dated 3.2.2012 issued by the 1st respondent in the land in R.S.No.52/1B and 52/2B (Old S.F.No.56) of Sungakaranpalayam, Perundurai Taluk, Erode District which was donated by the petitioner under the Gift Deed dated 10.10.2008 (Doc.No.2244 of 2008) and Rectification Deed dated 18.5.2009 (Doc.No.826/2009) in the name of the 1st respondent by considering the representation dated 7.11.2012.

For petitioner : Mr.N.Manokaran

For respondents : Mr.R.Ravichandran (R1 to R5)

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this court may be pleased to issue a Writ of Mandamus directing the respondents to construct the Thingalur Sub Registrar Office, pursuant to the proceedings issued by the first respondent, dated 3.2.2012, for the lands in R.S.No.52/1B and 52/2B (Old S.F.No.56) at Sungakaranpalayam, Perundurai Taluk, Erode District.

3. It has been stated that the petitioner had gifted a portion of his lands, by way of a gift deed, dated 10.10.2008, registered as Document No.2244 of 2008, and a rectification deed, dated 18.5.2009, registered as Document No.826 of 2009. The gift deed had been registered by the petitioner in favour of the first respondent, for the construction of the Sub Registrar Office at Sungakaranpalayam, Perundurai Taluk, Erode District. However, instead of constructing the Sub Registrar office at Sungakaranpalayam, Perundurai Taluk, Erode District, the first respondent had taken a decision and had issued orders to construct the Sub Registrar office at Kasukaranpalayam, in Erode District. Therefore, the petitioner has preferred the present Writ Petition before this Court, under Article 226 of the Constitution of India.

4. The learned counsel appearing on behalf of the respondents had submitted that there is no right vested in the petitioner to demand that the Sub Registrar office ought to be constructed only at Sungakaranpalayam, Perundurai Taluk, Erode District, as prayed for by the petitioner in his representation, dated 7.11.2012. The first respondent had issued certain directions to construct the Sub Registrar Office, at Kasukaranpalayam, in Erode District due to administrative reasons. Therefore, the relief prayed for by the petitioner in the present writ petition cannot be granted.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the relief prayed for by the petitioner in the present Writ Petition cannot be granted. In the present case the first respondent had issued certain directions to construct the Sub Registrar office, at

Kasukaranpalayam, in Erode District, due to administrative reasons, even though a gift deed is said to have been registered, by the petitioner, in favour of the respondent department, for the construction of the Sub Registrar office, at Sungakaranpalayam, Perundurai Taluk, Erode District.

6. It is clear that there could be no vested right in the petitioner to make a demand that the Sub Registrar Office ought to be constructed only at Sungakaranpalayam, Perundurai Taluk, Erode District, even though he has gifted a portion of his lands in favour of the respondent department, for the construction of the said building. The decision of the Supreme Court, in J.R.Raghupathy Vs. State of A.P. (1988) 4 SCC 364 and the decision of the Division Bench in R.Nanjappan Vs. The District Collector, Coimbatore, 2005 Writ L.R. 47, confirms the said view.

7. It has also been pointed out by the learned counsel for the respondents that a proposal has been sent, by the District Registrar, Erode District, dated 20.12.2014, to the first respondent to return the lands in question, to the petitioner, as it has not been used for the purpose for which it had been gifted. Therefore, it is for the first respondent to take an appropriate decision on the proposal, dated 20.12.2014, made by the District Registrar, Erode District, and to pass appropriate orders thereon.

8. In such circumstances, this Court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Accordingly, the Writ Petition stands dismissed. However, it goes without saying that it would be open to the petitioner to make a representation to the first respondent for the return of the lands, in R.S.No.52/1B and 52/2B (Old S.F.No.56) of Sungakaranpalayam, Perundurai Taluk, Erode District, as it has not been utilised by the first respondent for the purpose for which it had been given. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

csh

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

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Erode-638 011.

1 cc to Mr. N.Manokaran, Advocate Sr.No.44260

1 cc to Mr.R.Ravichandran , Advocate Sr.No.44631

1 cc to Government Pleader.Sr.No.44194

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