

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24155 of 2019
and WMP.No.23944 of 2019

M.Siva ... Petitioner

Versus

- 1.The Principal Secretary to Government of Tamil Nadu
Commercial Tax and Registration Department,
St.George Fort, Chennai 600 009.
- 2.The Inspector General of Registration
No.100, Santhom High Road,
Chennai.
- 3.The District Register,
Chennai North Registration District,
Kuralagam Building
Chennai 108.
- 4.The Project Directorate
Project Implementation Unit-Chennai
The National Highways Authority of India,
No.1/54-28, Butt Road,
St,Thomas Mount, Chennai 600 016.
- 5.The Chief Engineer
Public Work Department (Building)
Cheapaukam,
Chennai 600 005.
- 6.The District Collector,
Tiruvallur District.
- 7.The Executive Engineer
Public Works Department (Buildings),
Thiruvallur-602 001.

8.The Tahsidar
Gummudipoondi Taluk,
Gummudipoondi.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus forbearing the respondents from constructing Gummudipoondi Sub Registration Office on the Survey No.178/1B an extent of 10 cent in Pethikuppam Village and consequently construct the Gummudipoondi Sub Registration Office on the Survey No.295 an extent of 20 cents in Gummudipoondi Town, allotted as per the resolution of Town Panchayat.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
for R1 to R3

Mr.A.N.Thambidurai
Additional Government Pleader
for R5 to R8

Mrs.S.R.Sumathy for R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The writ petition styled as a Public Interest Litigation is filed by the residents of Old Gummudipoondi Village, Thiruvallur District objecting to the acts of the 3rd respondent in constructing a Sub Registrar Office, other than the land allotted by the local body.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the materials placed and would submit that the Gummudipoondi Municipality in the original meeting held on 30.11.2012, in Resolution No.208 has decided to allot 10 cents of land, for the purpose of putting up construction of the office of the Sub Registrar, Gummudipoondi, subject to the approval of the Directorate of Town Panchayat, Chennai and despite that, the said office is being constructed on a place which lies very close proximity to National Highways, which would definitely lead to traffic congestion / chaos, affecting the free movement of traffic in the said Highways and further pointed out that for the convenience of the intended users, the location of the office of the Sub Registrar in the

land already allotted by the Local Body is a convenient one and hence prays for appropriate orders.

3. Per contra, Mr.T.M.Pappiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 has drawn the attention of this Court to the communication of the Sub Registrar, Gummudipoondi addressed to the District Registrar/3rd respondent dated 09.07.2019 in letter no.42/19 and would submit that the land allotted by the local body is not suitable for the reason that the underground cable lines are being taken and high tension wires are also routed above the said place and there is a likelihood of location of Airtel mobile tower and on 11.03.2019, the general public has also caused an agitation and therefore, an alternative place was also sought for just inside the compound of the Taluk Office or some other place belonging to the Government and now the construction is going on a place adjacent to the Taluk Office and it is also in midway and at this juncture, the petitioner has come forward to file this writ petition as a Public Interest Litigation, and since it lacks merits and substance, prays for dismissal of the writ petition.

4. This Court has carefully considered the rival submission and also perused the materials placed before it.

5. No doubt, the Local Body thought fit to allot 10 cents of land subject to the approval of the Directorate of Town Panchayat and it is not clear whether the Directorate of Town Panchayat has granted necessary permission to the Local body to allot the said land or not. The fact remains that as on date, the construction of the office of the Sub Registrar is going on near the Tahsildar Office and the photographs produced by the learned Special Government Pleader would also disclose that it is in midway, wherein supporting pillars have also been raised.

6. In the considered opinion of this Court, it is not for this Court to stipulate on which place, the office of the Sub Registrar should come and it is also not within the domain of this Court to issue positive direction in this regard in exercise of it's jurisdiction under Article 226 of the Constitution of India and that apart, the construction of the building on the place which lie close proximate to the Tahsildar Office, have also been commenced and it is in midway stage and the attention of this Court was also invited by the learned Special Government Pleader to the counter affidavit of the 3rd respondent.

7. In the light of the above facts and circumstances, this Court is of the considered view that the present writ petition, styled as a Public Interest Litigation, lacks merit and deserves dismissal.

8. The writ petition stands dismissed. However there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sk

To

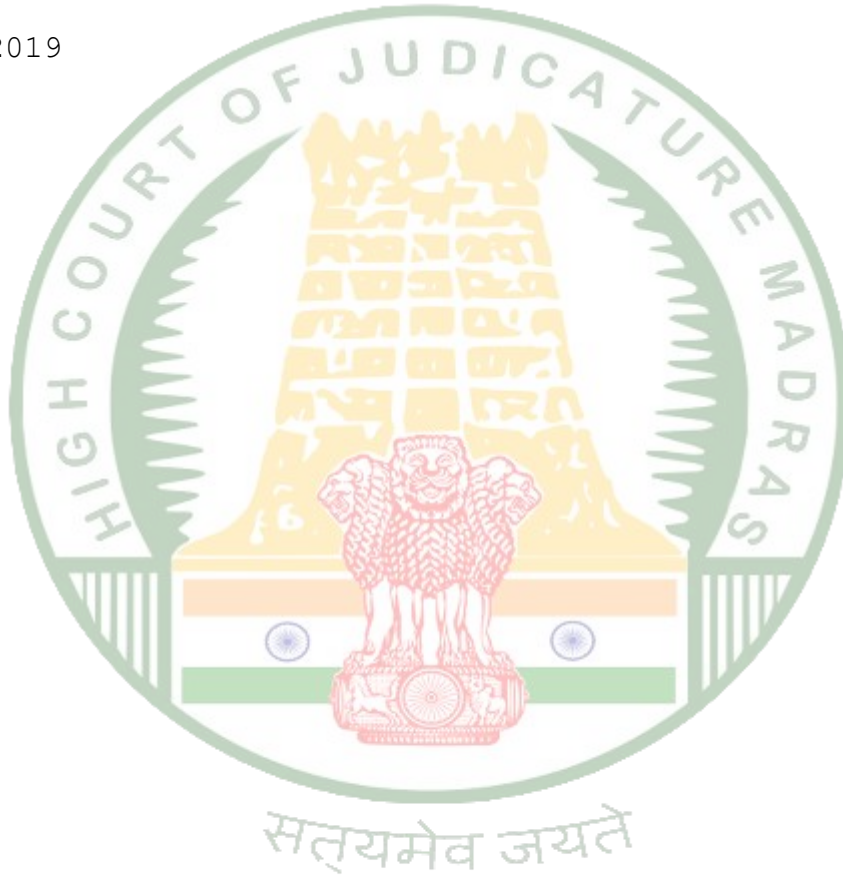
- 1.The Principal Secretary to Government of Tamil Nadu
Commercial Tax and Registration Department,
St.George Fort, Chennai 600 009.
- 2.The Inspector General of Registration
No.100, Santhom High Road,
Chennai.
- 3.The District Register,
Chennai North Registration District,
Kuralagam Building
Chennai 108.
- 4.The Project Directorate
Project Implementation Unit-Chennai
The National Highways Authority of India,
No.1/54-28, Butt Road,
St,Thomas Mount, Chennai 600 016.
- 5.The Chief Engineer
Public Work Department (Building)
Cheapaukam,
Chennai 600 005.
- 6.The District Collector,
Tiruvallur District.
- 7.The Executive Engineer
Public Works Department (Buildings),
Thiruvallur-602 001.

8.The Tahsidar
Gummudipoondi Taluk,
Gummudipoondi.

+1cc to Mrs.S.R.Sumathy, Advocate sr.76411
+1cc to Mr.S.Ayyathurai, Advocate sr.75999
+1cc to Government Pleader SR.NO.76849, 76502

WP.No.24155 of 2019

vsni(co)
nr 31/10/2019



WEB COPY