

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.28294 of 2019

and

W.M.P.No27975 of 2019

A.Mariyappan

.. Petitioner

/versus/

1.The Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai 600 004.

2.The District Registrar,
Salem North Registration District,
Collectorate Complex,
Salem, Salem District.

3.The Sub-Registrar,
Tharamangalam Sub Registrar Office,
Tharamangalam,
Omalur Taluk,
Salem District.

4.The Superintendent Engineer,
Public Works Department,
Buildings (C&M) Circle,
Salem-7.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking Writ of Mandamus forbearing the respondents and their subordinates from constructing the Tharamangalam Sub-Registrar Office building, in any other land except the land comprised in S.No.94/2B, the Patta No.2314 measuring an extent of 4972.05 sq.ft in Tharamangalam Village, Omalur Taluk, Salem District and consequently direct the respondents to construct the 3rd respondent Sub-Registrar Office in S.No.94/2 (New Sub-division S.No.94/2B with patta No.2314) measuring an extent of 4972.05 sq.ft in Tharamangalam, Omalur Taluk, Salem District, which is gifted for the purpose of construction of Sub-Registrar Office of Tharamangalam,vide Gift Deed 3261 of 2014, dated

12.06.2014 on the file of Sub Registrar Office, Tharamangalam, forthwith.

For Petitioner :Mr.K.Balu
For Respondents :Mr.M.Thamizharasan, GA
for R1,R2,R3

Mr.N.Inbanathan, AGP for R4

O R D E R

By consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.K.Balu, learned counsel appearing for the petitioner and Mr.M.Thamizharasan, learned Government Advocate, who takes notice for respondents 1 to 3 and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice for the 4th respondent.

3. The prayer sought for in the writ petition is to issue a Writ of Mandamus forbearing the respondents and their subordinates from constructing the Tharamangalam Sub-Registrar Office building, in any other land except the land comprised in S.No.94/2B, the Patta No.2314 measuring an extent of 4972.05 sq.ft in Tharamangalam Village, Omalur Taluk, Salem District and consequently direct the respondents to construct the 3rd respondent Sub-Registrar Office in S.No.94/2 (New Sub-division S.No.94/2B with patta No.2314) measuring an extent of 4972.05 sq.ft in Tharamangalam, Omalur Taluk, Salem District, which is gifted for the purpose of construction of Sub-Registrar Office of Tharamangalam, vide Gift Deed 3261 of 2014, dated 12.06.2014 on the file of Sub Registrar Office, Tharamangalam, forthwith.

4. The case of the petitioner is that at the request of the Villagers, he has gifted 4972.05 sq.ft of his land to the Government on 12.06.2014 for construction of Sub Registrar Office at Tharamangalam. Pursuant to the gifting of the land, the Government vide G.O.Ms.No.31, dated 14.02.2018 has issued Government Order sanctioning fund for constructing the Sub Registrar Office at Tharamangalam at the cost of Rs.95,87,511/-. Thereafter, there was an attempt to put up construction of Sub Registrar Office in a different location other than the land donated by the petitioner herein and therefore, the petitioner has approached this Court by way of filing W.P.No. 10077 of 2018 wherein, this Court has passed an interim order of Status Quo regarding the construction of building for the Sub Registrar Office at Tharamangalam, Salem District in respect of the tender notification dated 13.08.2019. Later, the Sub Registrar has requested the petitioner herein to withdraw the writ petition

and promised that the construction will be made in the land donated by the petitioner. Pursuant to the said request letter of the Sub Registrar dated 04.04.2019, the petitioner has withdrawn the writ petition No.10077 of 2018.

5. The petitioner states that after withdrawal of the writ petition, the Public Works Department has issued tender notice dated 13.08.2019 for four works including the construction of building for Sub Registrar Office at Tharamangalam. He apprehend that again the respondents are contemplating to put up construction in a different place other than the place donated by the petitioner.

6. On perusing the tender notice, this Court is not able to find out the location at which the Sub Registrar building proposed to be constructed.

7. The learned counsel appearing for the petitioner is unable to produce document to show that the proposed construction is on some other location other than the land donated by the petitioner.

8. The learned counsel appearing for the petitioner insists for stay of the notification dated 13.08.2019 which is uncalled. In view of the fact that when there is no material to show that the construction is proposed elsewhere than the land donated by the petitioner, the Court cannot interfere with the tender process of the four works, which includes the construction of Sub Registrar Office at Tharamangalam. Furthermore, the notice inviting the tender is only at the initial stage and unless and until the petitioner has a grievance that the location has been changed contrary to the promise made by the Sub Registrar vide letter dated 04.04.2019, there is no cause of action for the petitioner to file the writ petition.

9. Hence, this writ petition is dismissed with liberty to the petitioner to approach this Court, if the third respondent propose to construct the Sub Registrar Office other than the land donated by the petitioner without any justifiable reason. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ari

To:

1.The Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai 600 004.

2.The District Registrar,
Salem North Registration District,
Collectorate Complex,
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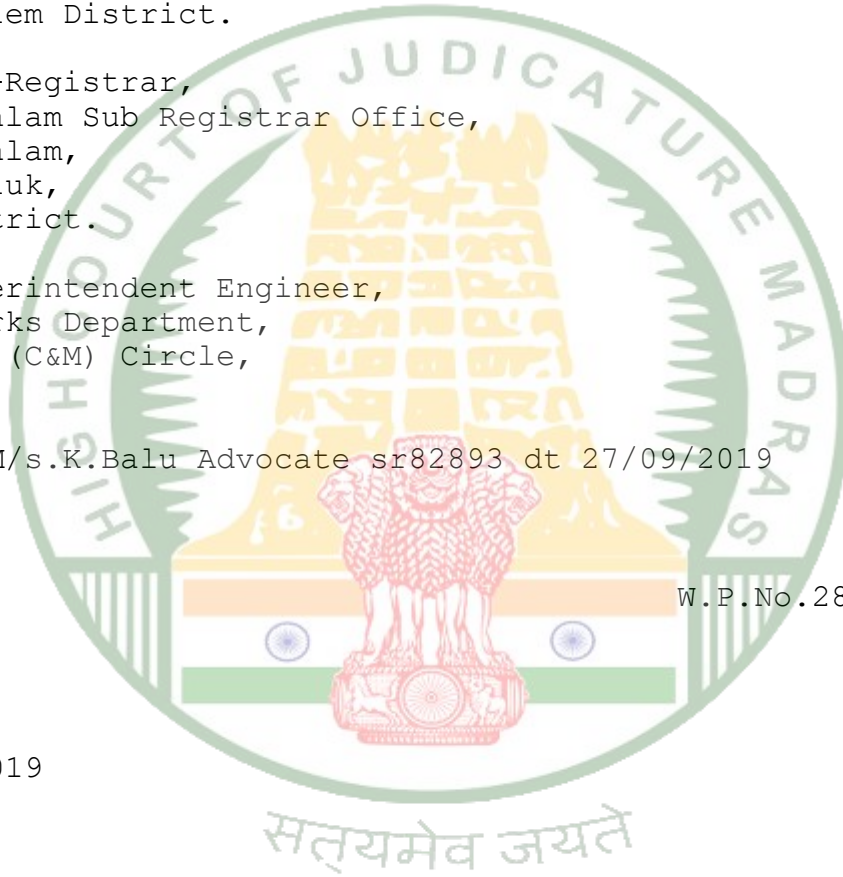
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Salem-7.

+1 cc to M/s.K.Balu Advocate sr82893 dt 27/09/2019

W.P.No.28294 of 2019

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