

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29953/2019 & WMP.No.29860/2019

Settu

Petitioner

Versus

- 1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.
- 2.The District Collector
Salem.
- 3.The Superintendent Engineer
Public Works Department
Building [Construction and Maintenance]
Circle, Hastampatty, Salem-7.
- 4.The District Revenue Officer
Salem.
- 5.The District Registrar
Salem.
- 6.The Sub Registrar
Tharamangalam, Omalur Taluk
Salem District.
- 7.The Tahsildar
Omalur, Omalur Taluk
Salem District.

8.Subramani

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents not to construct Sub Registrar Office in the S.No.94/2 in patta No.1422 at Tharamangalam Village, Omalur Taluk, Salem District and consequently direct the respondents to consider other suitable place.

For Petitioner : Mr.T.Ganesan
For RT 1 to 4 & 7: Mr.V.Jayaprakash Narayan, GP
For RR5&6 : Mr.T.M.Pappaiah, Spl.GP

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal. Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents 1 to 4 and 7 and Mr.T.M.Pappaiah, learned Special Government Pleader accepts notice on behalf of the respondents 5 and 6.
- (2) The writ petition is styled as a Public Interest Litigation filed by a resident of Pothanur Village, Omalur Taluk, Salem District and according to him, some people had gifted their plot in S.No.94/2 in Patta No.1422, admeasuring to an extent of 4900 sq.ft., in Tharamangalam and however, without choosing the said place and also the availability of the other lands belonging to the Government, the office of the Sub Registrar is going to be put up at Patta No.1422 in S.No.94/2 through Tender and the petitioner, in this regard, has also submitted a representation dated 18.09.2019 expressing the grievance as to the said decision taken by the concerned authority and despite, receipt and acknowledgment, no response is forthcoming and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (3) Mr.V.Jayaprakash Narayan, learned Government Pleader appearing for the respondents 1 to 4 and 7 and Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the respondents 5 and 6, on instructions, would submit that after taking into consideration all the relevant factors, the decision has been taken to construct the Sub Registrar Office in the land in question and the tender process is also on.
- (4) This Court has considered the rival submissions and also perused the materials placed before it.
- (5) This Court, often, is flooded with very many litigations of similar nature styled as Public Interest Litigations, seeking direction to the Government to locate the office or any other place of public utility on the land of their choice.
- (6) It is a well settled position of law that in the absence of any statutory right or infraction of statute, this Court cannot issue a mandamus.
- (7) The petitioner virtually wants this Court to run the administration, especially with regard to the choice of the place in which the Sub Registrar Office should come in place. This Court, on an earlier occasion, dealt with the similar issue in WP.No.24155/2017 [M.Siva V. The Principal Secretary to Government of Tamil Nadu, Commercial Tax and

Registration Department, St. George Fort, Chennai-9 and 7 others] and had dismissed the writ petition holding that 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 a positive direction in this regard, in exercise of its jurisdiction under Article 226 of the Constitution of India.

(8) In the light of the above facts and circumstances and the reasons assigned above, this Court finds no merits in this writ petition.

(9) In the result, the writ petition stands dismissed at the admission stage itself. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

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Omalur, Omalur Taluk
Salem District.

+1cc to Mr.T.Ganesan , Advocate SR.No. 88491
+1 cc to Government Pleader Sr.No. 88765

WP.No.29953/2019

A.SK(29/11/2019)