

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31630 of 2017

P.Stalin

...Petitioner

Vs

1. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhom High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Salem Zone, 3rd Floor, District Collector Office,
Salem - 636 001.
3. The District Registrar (Salem-East)
Salem-East Registration District,
Ramu Mudhali Street,
Ammapet, Salem - 636 003.
4. The Sub Registrar,
Dhadagapatty Sub Registration Office,
RSP Thottam Road, Seelanaickenpatti,
Salem - 636 006.
5. The Tahsildar,
Salem Taluk
at District Co-operative Bank Campus,
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 5 herein to take appropriate steps to construct the integrated complex for the offices of District Registrar, Sub-Registrar of Dhadagapatty and Sub-Registrar of Ayothiyapattinam in the land donated by the petitioner under the Gift Deed dated 06.05.2014 registered as Doc.No.2112 of 2014 on the file of SRO Dhadagapatti forthwith or in the alternative direct the respondents to re-convey the land in favour of the petitioner as it was unutilized for the purpose for which it was donated, pursuant to his representation dated 30.10.2017 within the stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.P.P.Purushothaman
Government Advocate for R1 to R4
Mr.I.Sathish,
Additional Government Pleader for R5.

O R D E R

The petitioner seeks for a mandamus directing the respondents 1 to 5 to take steps to construct the integrated complex for the offices of District Registrar, Sub-Registrar of Dhadhagapatty and Sub-Registrar of Ayodhiyapattinam in the land donated by the petitioner under the Gift Deed dated 06.05.2014 or in the alternative, direct the respondents to re-convey the land in favour of the petitioner.

2. The case of the petitioner is as follows:

The petitioner is owning land measuring an extent of 0.41½ cents comprised in Punja Resurvey No.30/10 in Nilavarapatti Village, Salem Town. The 3rd respondent wanted the land for the purpose of constructing Integrated complex for combined office of Sub Registrars. Therefore, the petitioner voluntarily expressed his willingness to donate the land to the Government and accordingly, he executed a gift deed on 06.05.2014 and registered the same under Document No.2112 of 2014 in respect of property measuring an extent of 9000 sq.ft., out of the total extent of the land owned by the petitioner. Though the petitioner had gifted the land for construction of the Integrated Complex building, till this date, the land was not utilized. Hence, the petitioner, after making representation on 30.10.2017, has filed the present writ petition.

3. A counter affidavit is filed by the 3rd respondent, wherein it is stated that the petitioner has gifted 9000 sq.ft. land in S.No.30/10-C of Nilavarapatti Village, in favour of the Government for constructing Integrated Office Complex for the offices of District Registrar and Sub Registrar. However, as there were representations received objecting the shifting of original Registration Branch of District Registrar office, Salem East and Sub Registrar office, Ayodhiyapattinam, the construction of Integrated office complex could not be commenced. It is further stated that it is under consideration of the respondent to construct the Sub-Registrar Office, Thathagapatti, at the petitioner's land.

4. Learned counsel for the petitioner submits that the petitioner will be satisfied even if the Sub-Registrar office of

Thathagapatti is constructed, instead of putting up an Integrated Office Complex in his land.

5. Learned Additional Government Pleader submits that the Sub-Registrar Office of Thathagapatti will be constructed at the land donated by the petitioner and therefore, the petitioner need not have any grievance.

6. Considering the above stated facts and circumstances and considering the fact that the petitioner has voluntarily donated his land measuring 9000 sq.ft. for construction of Integrated Office complex and considering the fact that such complex has not been put up so far and that the respondent has now come forward to put up the Sub Registrar Office, Thathagapatti in the said land, this Court is of the view that in all fairness, the land donated by the petitioner should be utilised without loss of further time by putting up the Sub-Registrar Office, Thathagapatti, as has been undertaken by the 3rd respondent before this Court. Accordingly, this Writ Petition is disposed of by recording the undertaking given by the 3rd respondent for putting up the Sub-Registrar office in the land donated by the petitioner. Such exercise shall be completed by the 3rd respondent as early as possible. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi/gsi

To

1. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhom High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Salem Zone, 3rd Floor, District Collector Office,
Salem - 636 001.
3. The District Registrar (Salem-East)
Salem-East Registration District,
Ramu Mudhali Street,
Ammamet, Salem - 636 003.

4. The Sub Registrar,
Dhadagapatty Sub Registration Office,
RSP Thottam Road,
Seelanaickenpatti,
Salme - 636 006.
5. The Tahsildar,
Salem Taluk,
at District Co-operative Bank Campus,
Salem.

+2cc to Mr.C.Prabakaran, Advocate in sr.no.5709
+1cc to Government Pleader, in sr.no.6476

W.P.No.31630 of 2017

CS/30/01/2019



WEB COPY