

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.02.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.32431 of 2018
and
W.M.P.Nos.37630 & 37632 of 2018

P.Stalin

... Petitioner

Vs

1.The Superintending Engineer
Buildings Organisation,
Public Works Department,
Kumarasampatti Post,
Salem - 636 007.

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

3.The District Registrar,
Salem East Registration District,
Ammappett,
Salem - 636 003.

4.The Sub Registrar,
Dadagapatti Sub Registrar Office,
Seelanaickenpatti,
Salem - 636 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned tender notice issued through website made in Ref.No.07/2018-19/SE/B (C & M)C/SLM, dated 17.07.2018 issued by the 1st respondent to quash the same and consequently direct the respondents to construct the integrated office complex for combined registration office, at R.S.No.30/10C, Nilavarapatti measuring 9000 sq. ft. gifted under the Gift Deed dated 06.05.2014 (Doc. No.2112/2014) by considering the petitioner's representation dated 30.10.2017.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Govindasamy,
Special Government Pleader for R1
Mr.M.Thamizharasan,
Government Advocate for R2 to R4

O R D E R

This writ petition is filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned tender notice issued through website made in Ref.No.07/2018-19/SE/B (C & M)C/SLM, dated 17.07.2018 issued by the 1st respondent to quash the same and consequently direct the respondents to construct the integrated office complex for combined registration office, at R.S.No.30/10C, Nilavarapatti measuring 9000 sq. ft. gifted under the Gift Deed dated 06.05.2014 (Doc. No.2112/2014) by considering the petitioner's representation dated 30.10.2017.

2. The very same petitioner, earlier filed a writ petition in W.P.No.31603 of 2017 seeking for a 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 Dhadhagapatty 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 Dhadhagapatti 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.

3. This Court, by an order dated 24.01.2019, disposed of the W.P.No.31603 of 2017 by passing the following order:

"2. The case of the petitioner is as follows:

The petitioner is owning land measuring an extent of 0.41¼ 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."

4. In view of the order passed in the above writ petition, no further order is necessary in this writ petition, as the learned counsel for the petitioner also submitted that the petitioner would be satisfied, if the order passed in W.P.No.31603 of 2017 is complied with.

5. The learned Government Advocate appearing for the 2nd to 4th respondents undertakes that the order passed in W.P.No.31603 of 2017 dated 24.01.2019 will be duly complied with.

6. Recording the above stated submissions and in view of the order passed in W.P.No.31603 of 2017, this Writ Petition is disposed of, accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1.The Superintending Engineer
Buildings Organisation,
Public Works Department,
Kumarasampatti Post,
Salem - 636 007.

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

3.The District Registrar,
Salem East Registration District,
Ammamet, Salem - 636 003.

4.The Sub Registrar,
Dadagapatti Sub Registrar Office,
Seelanaickenpatti, Salem - 636 006.

+1cc to Mr.N.Manokaran , Advocate SR.No. 9965

+1 CC TO GOVERNMENT PLEADER SR.NO. 10737

W.P.No.32431 of 2018

A.SK(27/02/2019)