



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2019
CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mrs. JUSTICE R.THARANI

W.P. (MD)No.4938 and 17735 of 2019
and
W.M.P. (MD)No.3919 of 2019

W.P. (MD)No.4938 of 2019:

P.M.Balasubramaniam

... Petitioner

Vs.

1.The Secretary,
Hon'ble Chief Minister's Public Grievances Cell,
Government of Tamil Nadu,
Fort St.George,
Chennai.

2.The Inspector General of Registration,
Department of Registration,
Santhom Road,
Chennai.

3.The District Collector,
District Collector,
Tuticorin, Tuticorin District.

4.The District Registrar,
Registration Department,
Tuticorin.

5.The Sub Registrar,
Registration Department,
Pudukottai,
Tuticorin,
Tuticorin District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 12.02.2018 of the public given to the respondents 1 to 5 to stop the proposal of constructing the Sub Registrar's Office at Mudivaithanendal in Vagaikulam Village, Tuticorin District and instead of locate the office either at Pudukottai or Kumaragiri.



For Petitioner
For Respondents

: Mr.N.Dilip Kumar
: Mr.M.Murugan, G.A.

W.P. (MD)No.17735 of 2019:

Veeramahali

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Department of Registration,
Santhom Road,
Chennai.
- 3.The District Collector,
District Collector,
Thoothukudi District.
- 4.The District Registrar (Administration),
Registration Department,
Thoothukudi District.
- 5.The Sub Registrar,
Office of the Sub Registrar,
Pudukottai,
Thoothukudi District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the proposal of constructing the Sub Registrar Office at Mudivaithanendal in Vagaikulam Village based on the proceedings of the 2nd respondent dated 25.11.2017 within stipulated time fixed by this Court.

For Petitioner
For Respondents

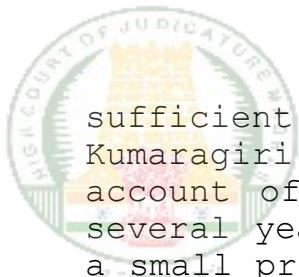
: Mr.S.M.Mohan Gandhi
: Mr.M.Murugan, G.A.

COMMON ORDER

(Order of the Court was made by T.S.SIVAGNANAM,J.)

These are classical cases, where two individuals representing their respective people from their village are clamouring for location of an office of the Sub Registrar, Pudukottai.

2.Because of this clamour, a Writ petition in W.P.(MD)No.4938 of 2019 was filed. When there was an attempt to construct the Sub Registrar Officer in Vagaikulam Village, according to the petitioner viz., P.M.Balasubramaniam, it should not be done as there are



sufficient lands available in their village ie., at Pudukkottai or Kumaragiri and the Sub Registrar Office should be located there. On account of this dispute, which appears to have been going on for several years, the Sub Registrar Office continuous to be located in a small private building in the first floor. The net result is the public, who visit the office of the Sub Registrar, are put to great difficulty. This is the first issue, which the petitioner and their respective supporters have to bear in mind.

3. Locating the office of the Sub Registrar or an office of the Tahsildar or the Revenue Inspector or establishing a Palvaadi, etc., is required to be taken by the Government and the decision should be taken without any political influence. The Government should be concerned about the welfare of the public and that alone should be the yardstick to be adopted.

4. That apart, repeatedly the Courts have held that while exercising jurisdiction under Article 226 of the Constitution of India, this Court should refrain from issuing direction to the authorities to locate a particular welfare measure in a particular area, unless and until, it is pointed out that a serious error has crept in, in the decision making process. In other words, the Court would not be entitled to consider the correctness of the decision, but only the decision making process.

5. We do not wish to say anything more in these matters and dispose of the Writ petitions by directing the Deputy Inspector General of Registration, Tuticorin in consultation with the District Collector, Tuticorin, shall secure a land for construction of the office of the Sub Registrar bearing in mind all features, including the representations given by both the Writ petitioners mentioning the land has already been acquired.

6. As observed by us earlier, we cannot direct the Sub Registrar Office to be located in a particular place and it is best that the decision, be left to the authorities whom we are sure would exercise their power bearing in mind the best interest of public. Accordingly, these Writ petitions are disposed of. No costs. Consequently, the interim order of stay is vacated and the connected W.M.P. is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Secretary,
Hon'ble Chief Minister's Public Grievances Cell,
Government of Tamil Nadu,
Fort St.George,
Chennai.

2.The Inspector General of Registration,
Department of Registration,
Santhom Road,
Chennai.

3.The District Collector,
District Collector,
Tuticorin, Tuticorin District.

4.The District Registrar,
Registration Department,
Tuticorin.

5.The Sub Registrar,
Registration Department,
Pudukottai,
Tuticorin,
Tuticorin District.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-85762[F] dated 06/09/2019)
+1 CC to Spl.GP., SR-85904,85903
+1 CC to MR.S.M.MOHAN GANDHI, Advocate (SR-85701[F] dated
06/09/2019)

W.P. (MD)No.4938 and 17735 of 2019
05.09.2019

NBJ

MK (20.09.2019) 4P 9C