



WEB COPY

W.P.(MD) No.26963 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.26963 of 2019
and
W.M.P. (MD) No.23313 of 2019

All Traders Association (R.No.136/2009)
Rep.by its President
G.Peter
Pudukkottai
Tuticorin District

... Petitioner

-vs-

- 1.The Secretary to Government
Registration Department
Fort St.George, Chennai
- 2.The Inspector General of Registration
Department of Registration
Santhome Road, Chennai
- 3.The District Collector
Office of the District Collector
Tuticorin, Tuticorin District
- 4.The District Registrar
Registration Department
Tuticorin
- 5.The Sub-Registrar
Office of the Sub-Registrar
Pudukkottai, Tuticorin District.
- 6.The Deputy Inspector General of Registration
Department of Registration
Santhome Road
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to forbear the respondents 1 to 6 herein from constructing or shifting the Sub-Registrar office to

<https://hcservices.ecourts.gov.in/hcservices/>



Mudivaithannendal, contrary to the feasibility and the Resolution dated 18.08.2014 and the communication dated 13.05.2016 and consequently direct the respondents 1 to 6 construct the Sub Registrar Office either at Kumaragiri Village or at Kootudankadu.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.R.Murugan
Additional Government Pleader

O R D E R

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

The petitioner - Association has filed the above writ petition as a public interest litigation to issue a writ of mandamus forbearing the respondents 1 to 6 from constructing or shifting the Sub Registrar Office to Mudivaithannendal, contrary to the feasibility and the Resolution dated 18.08.2014 and the communication dated 13.05.2016 and consequently, to direct the respondents 1 to 6 to construct the Sub Registrar Office either at Kumaragiri or at Kootudankadu.

2. It is the case of the petitioner - Association that the respondents, without considering the directions issued by the Honourable Division Bench of this Court in the order dated 05.09.2019 in W.P.(MD) Nos.4938 and 17735 of 2019, are trying to shift or construct a new Sub Registrar Office at Mudivaithannendal.

3. Earlier, one P.M.Balasubramaniam had filed a writ petition in W.P.(MD) No.4938 of 2019 to issue a writ of mandamus directing the respondents therein to consider the representation dated 12.02.2018 of the public given to the respondents 1 to 5 therein to stop the proposal of constructing the Sub Registrar's Office at Mudivaithannendal in Vagaikulam Village, Tuticorin District and instead, to locate the office either at Pudukottai or Kumaragiri.

4. Similarly, one Veeramahali filed a writ petition in W.P.(MD) No.17735 of 2019 to issue a writ of mandamus directing the respondents 2 and 3 therein to consider the proposal of constructing the Sub Registrar Office at Mudivaithannendal in Vagaikulam Village based on the proceedings of the second respondent dated 25.11.2017, within a time frame.

5. The Honourable Division Bench of this Court, taking into consideration the case of both sides, by a common order dated 05.09.2019, disposed of the writ petitions observing that this Court 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,



who would exercise the powers bearing in mind the best interest of the public. The Honourable Division Bench also observed that the Deputy Inspector General of Registration, Tuticorin, in consultation with the District Collector, Tuticorin, shall secure a land for the construction of the Sub Registrar Office bearing in mind all features, including the representations given by the petitioners therein.

6. When this Court had already declined to give any direction to the authorities to locate the Sub Registrar Office in a particular place, we cannot, in the present writ petition, again consider the very same issue and give a different direction. Further, when this Court had already observed that the Deputy Inspector General of Registration, Tuticorin, in consultation with the District Collector, Tuticorin, shall secure a land for the construction of the Sub Registrar Office bearing in mind all features, including the representations given by both the petitioners in the above said writ petitions, it cannot be stated that the authorities ignored their representations and did not consider the interest of the public, while locating the Sub Registrar Office. In these circumstances, we are not inclined to issue any mandamus to the authorities in respect of the location of the Sub Registrar Office.

7. The learned Additional Government Pleader, who takes notice for the respondents, submitted that the respondents 2 and 3 would furnish a copy of the order passed in respect of the location of the Sub Registrar Office to the petitioner - Association.

8. For the reasons stated above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Secretary to Government,
Registration Department,
Fort St.George, Chennai.

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



3.The District Collector,
Office of the District Collector,
Tuticorin, Tuticorin District.

4.The District Registrar,
Registration Department,
Tuticorin.

5.The Sub-Registrar,
Office of the Sub-Registrar,
Pudukkottai, Tuticorin District.

6.The Deputy Inspector General of Registration,
Department of Registration, Santhome Road,
Chennai.

+1 CC to M/s.NIRANJAN S. KUMAR, Advocate (SR-105732[F] dated
18/12/2019)

+1 CC to M/s.SPL.GP (SR-105976[F] dated 19/12/2019)

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and

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18.12.2019

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