

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.789 of 2020
WMP.Nos.965 & 966/2020

S.Senthil KumarPetitioner

Versus

1.The Collector,
Chennai District,
Collectorate /Singaravelar Malligai,
Chennai 600001.

2.Inspector General of Registration,
Santhome High Road,
Chennai.

3.The Tahsildar,
Mambalam-Guindy Taluk,
Chennai 600 078.

4.The District Registrar,
South-Madras,
Chennai 600 032.

5.Sub-Registrar,
Virugambakkam,
NO.45, A, Arcot Road,
Virugambakkam,
Chennai.

....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents to commence and complete the construction of permanent building for the Virugambakkam Sub-Registrar office-5th respondent herein in S.No.222/3 Virugambakkam Village in furtherance of the proceedings of the

1st respondent-District Collector dated 02.12.2009 bearing Lr.No.J5/43368/09.

For Petitioners : Mr.A.Prabhakaran
 For Respondents : Ms.Jayashree
 Government Advocate for R1 and R3
 Mr.T.M.Pappiah
 Special Government Pleader
 for R2, R4 and R5

ORDER

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

The Writ Petition is filed as a Public Interest Litigation filed by the resident of West K.K.Nagar, Chennai 600 078 and the petitioner would aver among other things that vide communication of the 4th respondent dated 15.07.2010 bearing no.4643/u2/2010 addressed to the 3rd respondent, land in Virugambakkam Village comprised in S.No.222/3 has been chosen for the purpose of putting up of office of the Sub Registrar, Virugambakkam and though the said land is still available, a decision has been taken to shift the same to Guindy by spending huge sum of money and hence prays for appropriate orders.

2. This Writ Petition was listed for admission on 20.01.2020 and on that date, the learned Additional Government Pleader had accepted notice on behalf of the respondents 1 and 3 and Mr.T.M.Pappiah, learned Special Government Pleader accepted notice on behalf of respondents 2, 4 and 5 and prayed for time to get instructions and when this matter is listed today, the 4th respondent has filed the counter affidavit dated 31.01.2020.

3. The learned Additional Government Pleader appearing for the official respondents would submit that since the land in S.No.222/3 of Virugambakkam village is a Ryot Wari land, it could not be transferred to Registration Department for construction of Government building of Virugambakkam Sub Registrar office and also the decision was taken to construct integrated Sub Registrar Offices complex for Sub Registrar Offices of Anna Nagar, Kodambakkam, Villivakkam, Purasawalkam, Ashok Nagar and Virugambakkam and G.O.Ms.No.4, Commercial Taxes and Registration Department dated 17.01.2014 have also been passed and accordingly, the land admeasuring to an extent of 0.21.00 comprised in S.No.46/2A of Nolambur village, situated in 2nd main road, Nolambur Phase II was transferred to Registration Department and construction of above said offices have almost been completed.

4. It is the further submission of the learned Additional Government Pleader that since it is a policy decision, in the light of the difficulties faced as enumerated in paragraph no.3 of the counter affidavit and that the Government Order has also been passed to put up a comprehensive complex to house all the Government offices, so that public can also be put to convenience, it cannot be found faulted with and prays for dismissal of this Writ Petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal of the counter affidavit of the 4th respondent would disclose among other things that since the land in S.No.222/3 of Virugambakkam Village is classified as 'Ryotwari land', it cannot be transferred to the Registration Department and the land admeasuring to an extent of 0.21.00 comprised in S.No.46/2A of Nolambur village, situated in 2nd main road, Nolambur Phase II, has been identified and for construction, necessary financial sanction have also been accorded and construction have also been completed.

7. In the considered opinion of this Court, it is not even a domain of this Court as to in which place, the office of the Sub Registrar to be located, unless the petitioner is able to establish that the said decision of the administration tainted with malafide or oblique motive and it is therefore arbitrary. It is also be noted at this juncture that now an online mechanism has also put in place for register of the documents and as such it cannot be said that the persons, who intend to register the documents would also be put to hardship and difficulty.

8. In the light of the reasons assigned above, the Writ Petition deserves dismissal and accordingly dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.S.VIII)

/True copy/

Sub Assistant Registrar

To

- 1.The Collector,
Chennai District,
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Chennai 600001.
- 2.The Inspector General of Registration,
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Chennai.
- 3.The Tahsildar,
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5. The Sub-Registrar,
Virugambakkam,
NO.45, A, Arcot Road,
Virugambakkam, Chennai.

+1 cc to M/s.A.Prabhakaran, Advocate Sr.No. 7584

AKM/13.03.2020/4P- 7C /

W.P.No.789 of 2020

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