



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12313 OF 2013

AND

M.P.NO.1 OF 2013

Mr.Mahalingam

... Petitioner

Vs.

1. The Sub Registrar,
Thiruvalankadu,
Tiruttani Taluk,
Tiruvallur Taluk.
2. The Inspector General of Registration,
Santhome, Mylapore, Chennai.
3. The Government of Tamil Nadu,
Rep.by the Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Chennai.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Calling for records of the 1st Respondent relating to the passing of the impugned order issued in proceeding No. Na.Ka.No.319/2012 dated 05.02.2013 and quash the same.

For Petitioner : Mr.Ganeshkumar
for Mr.R.Raman Laal

For Respondents : Mr.Yogeshkannadasan
Special Government Pleader

O R D E R

The present petition has been filed to call for records of the 1st Respondent relating to the passing of the impugned order dated 05.02.2013 and quash the same.



2. The case of the petitioner is that when the 1st respondent was in search of a land to construct their own office in their own land, they persuaded the petitioner to donate his land for constructing the office of the 1st respondent and the petitioner also donated an extent of 15 cents in Old S.F.No.56/8, New S.F.No.56/8B, Situate at No.52, Palaiyanur Village, by means of a registered Gift Deed dated 21.06.2010, at the Sub Registrar Office, Thiruvallankadu and further the petitioner has given a pathway to the proposed site and thereby executed another gift deed and subsequently patta was also changed in the name of the 1st respondent. In the meantime, the Chief Minister, made an announcement that efforts will be taken to construct own buildings for the Register Office throughout the State of Tamil Nadu. Pursuant to the said announcement, the Commercial Taxes and Registration Department issued a Government Order in G.O.No.144, dated 20.11.2012 and in the above said G.O., the place donated by the petitioner also found place. However contrary to the announcement, the respondents 1 and 2 wanted to shift the place for construction of the Sub Register Office. On knowing the same, the petitioner seeking an information under Right to Information Act, wherein it was informed that the 1st respondent has decided not to choose the place donated by the petitioner to construct the office premises and passed proceedings dated 05.02.2013 in that regard.

3. Though very many grounds have been raised by the petitioner, the learned counsel submitted that it would suffice if this Court issues direction to the 1st respondent to re-convey the lands in favour of the petitioner without insisting any Court fee.

4. The learned Special Government Pleader appearing for the respondents submitted that several public have represented that the land donated by the petitioner is very near to the burial ground of the Village and the public has to pass the burial ground to reach the Office of the 1st respondent and further as there was no road approach to the land donated by the petitioner, the 1st respondent has not chosen the land of the petitioner as the most suitable land for construction of Government building. Further he submitted that it is the prerogative of the Government to construct the Government building for any public office in any land, the Government deemed it fit. However he submitted that the 1st respondent will decide the issue with regard to the reconveyance of the land in favour of the petitioner, without insisting any further stamp duty, within a stipulated time.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.



6. Since the land has not been used for the acquired purpose, this Court issues direction to the 1st respondent to take decision for reconveying of the land in favour of the petitioner, within a period of six weeks from the date of receipt of a copy of this Court, without insisting for any stamp duty.

7. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Thiruvallankadu,
Tiruttani Taluk,
Tiruvallur Taluk.
2. The Inspector General of Registration,
Santhome, Mylapore, Chennai.
3. The Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Chennai.

+1cc to Mr.R.Raman Laal, Petitioner, Advocate, S.R.No.19023

+1cc to the Government Pleader, Respondent, S.R.No.18806

W.P.No.12313 of 2013

NR(CO)
RLP(04/04/2022)