IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.15769 of 2024 and

WMP No.17170 of 2024

C.Muthusamy ... Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Commercial Taxes and Registration Department,
   Fort St. George, Secretariat,
   Chennai 600 009.

2. The Inspector General of Registration
   No.100, Santhome High Road, Santhome,
   Chennai 600 028.

3. The District Collector,
   Tiruppur District, Tiruppur. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents from shifting the Sub-Registrar Office, Dharapuram from the existing location which is nearby to Court, Taluk Office of Dharapuram by considering petitioner's representation dated 26.03.2024.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.B.Vijay, Addl. Govt. Pleader

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This pro-bono public interest writ petition has been filed by the petitioner to forbear the respondents from shifting the Sub-Registrar Office, Dharapuram from the existing location which is nearby to Court, Taluk Office of Dharapuram by considering petitioner's representation dated 26.03.2024.

2. According to the petitioner the Sub Registrar Office, Dharapuram is running in the middle of the Dharapuram Town and is situated in a vast area, measuring to an extent of 40 cents, which is near to Court, Taluk Office, Sub Jail. The location of the office is a prone for easy access to all kind of people from various parts of Town and Villages. Now, the respondents are taking action to shift the above office to a location measuring about 20 cents in S.F.No.195 in Nanjiyampalayam Village, which is 4 k.m. away from the present location and not having any access by bus route. If the office is shifted to the said place, it will affect the people and they have to spend more time in transportation for reaching the office. The petitioner along

with other villagers have made a representation to the respondents, dated 26.03.2024, requesting not to shift the office, however, the same was not considered, whereas, they are taking steps to construct a new building for the office. Hence this writ petition.

3. The learned Additional Government Pleader appearing for the respondents submitted that, in the present Sub Registrar office, only small space is available and it requires large space for its administration work. Therefore, for the interest of the public and also for the administrative reasons, the Government has taken a decision to shift the office and there is no error to interfere with the decision taken by the Government.

4. Considering the case on hand, we are in agreement with the learned Additional Government Pleader appearing for the respondent. It is well settled that the courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive, unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. However, if the policy

cannot be faulted on any of these grounds, the mere fact that it would hurt business interests of a party, does not justify invalidating the policy.

5. At this juncture, it is useful to note that, when the judicial review of policy decision came up for consideration, the Hon'ble Supreme Court ***in Census Commissioner and others Vs. R.Krishnamurthy reported in 2015(2) SCC 796(Civil Appeal No.9996 of 2015 dated 07.11.2014*** held as follows.

> " 28. ... it is not within the domain of the Court to legislate and the Courts do interpret the law and in such interpretation, certain creative process is involved. The Courts have the jurisdiction to declare the law as unconstitutional, that too, where it is called for." There cannot be any difficulty in accepting the said proposition, as it is a well settled legal principle."

Considering the facts of the case and also in the light of the decision of the Apex Court, we are of the view that the decision taken by the Government cannot be interfered with by the court, and hence, not inclined to entertain the writ petition. However, if the petitioner is having grievance on the decision taken by the authorities concerned, in the interest of public, he can approach them seeking remedy.

6. At this juncture, the learned counsel for the petitioner submitted

that the representation dated 26.03.2024 given by the petitioner and the villagers is still pending before the respondents without any consideration.

7. In such circumstances, it is open to the respondents concerned to consider the above representation dated 26.03.2024 and to take decision, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.) (K.B.J.)
19.06.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. The Secretary, State of Tamil Nadu,
   Commercial Taxes and Registration Department,
   Fort St. George, Secretariat, Chennai 600 009.

2. The Inspector General of Registration

No.100, Santhome High Road, Santhome,
Chennai 600 028.

3. The District Collector,
   Tiruppur District, Tiruppur.

D.KRISHNAKUMAR, J.
and
K. KUMARESH BABU, J.

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W.P.No.15768 of 2024

19.06.2024