

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10459 of 2010 &
M.P.No.1 of 2010

R.S.Mahendiran @ Magi ... Petitioner

Vs

1.The Tahsildar,
Vaniyambadi Taluk,
Vaniyambadi,
Vellore District.

2.N.Shabiha Begum,
3.M.Mohamed Nazir,
4.M.Muneer Ahmed,
5.K.Devaraj
6.Annamalai

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the first respondent from effecting any change in the revenue records in respect of T.S.No.59/2, now sub divided as T.S.No.59/2B2, Ward-F, Block 26 of Thirumanjulai Village, Vaniyambadi Taluk, Vellore District having an extent of 1.69 acres in favour of respondents 5 and 6 pursuant to the petitioner's objection dated 06.05.2010.

For Petitioner: Mr.G.Jeremiah

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader
for R1

Ms.P.Lakshmi for R2 to R4

Ms.C.Vasanthakumari for R5

Mr.R.Saravanakumar for R6

O R D E R

Heard Mr.G.Jeremiah, learned counsel for the petitioner; Mr.D.Suriyanarayanan, learned Additional Government Pleader for the first respondent; Ms.P.Lakshmi, learned counsel for the respondents 2 to 4; Ms.C.Vasanthakumari, learned counsel for the fifth respondent; Mr.R.Saravanakumar, learned counsel for the sixth respondent and perused the materials placed on record.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, forbearing the first respondent from effecting any change in the revenue records in respect of T.S.No.59/2, now sub divided as T.S.No.59/2B2, Ward-F, Block 26 of Thirumanjolai Village, Vaniyambadi Taluk, Vellore District having an extent of 1.69 acres in favour of respondents 5 and 6 pursuant to the petitioner's objection, dated 06.05.2010.

3. Mr.G.Jeremiah, learned counsel for the petitioner would state that the respondents 2 to 4 have entered into an agreement of sale with the petitioner on 26.09.2007, agreeing to sell the property comprised in Survey No.T.S.No.59/2, now sub sub-divided as 59/2B2 having an extent of 1.69 acres and in T.S.No.61 measuring an extent of 1.69 acres, situated at Thirumanjolai Village, for a total consideration of Rs.8,70,350/-. On the date of agreement, the petitioner paid Rs.7,70,350/- and when the petitioner was ready to pay the balance sale consideration, the respondents 2 to 4 have sold the property in favour of the respondents 5 and 6. It is further submitted that the petitioner instituted a suit in O.S.No.21 of 2008 before the Principal District Judge, Vellore for specific performance and until, the suit is disposed of, the first respondent shall not effect any change in the revenue records.

4. Per contra, the learned Additional Government Pleader would state that the petitioner is an agreement holder and unless, he proves his right before the competent forum, he is not entitled for the relief sought for in the writ petition.

5. I find force in the contention of the learned Additional Government Pleader. It is to be noted that a mere agreement to sell the property does not create any right over the property especially it has been disputed and denied by the other side. If the right of the petitioner has been established before the Competent Civil Court, it is open for him to approach the Revenue Authorities for redressal of his grievance and as on date, the prayer sought for in this Writ Petition cannot be entertained.

6. In fine, the Writ Petition is disposed of with the above observation. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

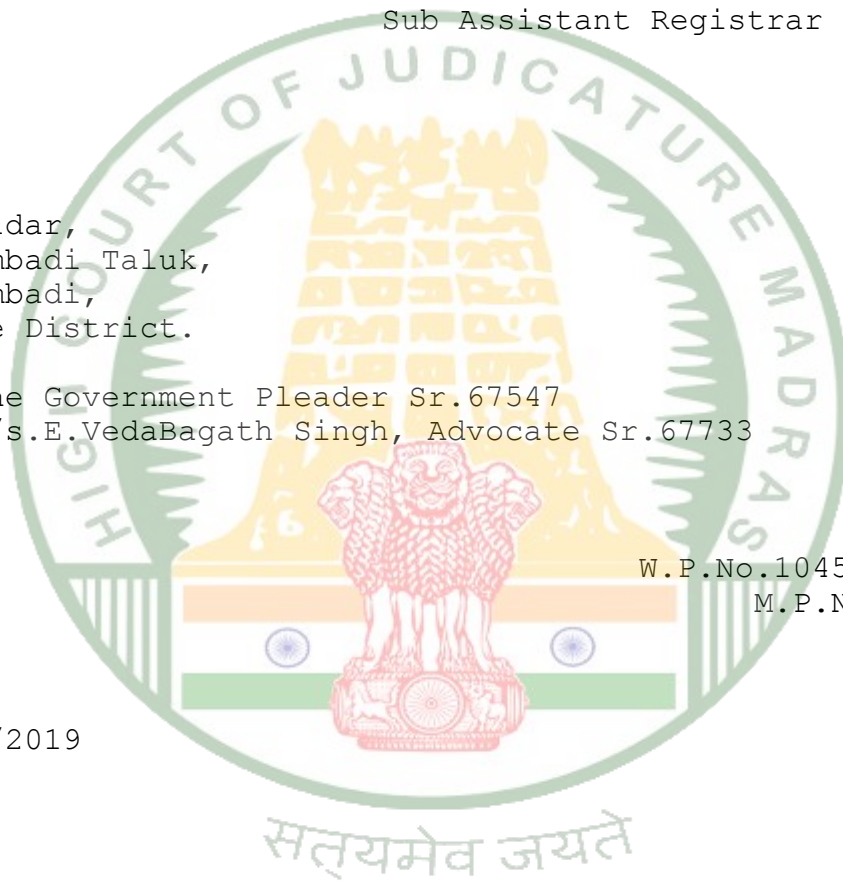
To

The Tahsildar,
Vaniyambadi Taluk,
Vaniyambadi,
Vellore District.

+1cc to the Government Pleader Sr.67547
+1cc to M/s.E.VedaBagath Singh, Advocate Sr.67733

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srg 16/09/2019



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