

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9107 of 2019

D.Balamani

...Petitioner

Vs.

1.The District Collector
Tiruppur District
Tiruppur.

2.The Sub Registrar
Office of Sub Registrar
Avinashi
Tiruppur District.

3.M.M.Sampath Kumar

4.A.Palanisamy

5.K.P.Chandrasekaran

6.D.Prabhakaran

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd respondent to sale again relating to the Doc.No.2722 of 2019 dated 21.02.2019 in S.No.374/1B, Palankarai Village, Avinashi Taluk, Tiruppur District until the disposal of the suit in O.S.No.545 of 2016, which is pending before the Sub Court, Avinashi.

For Petitioner : Mr.S.Kolandasamy

For Respondents: Mr.S.N.Parthasarathy
Government Advocate for R1

Mr.M.Thamizharasan
Government Advocate for R2

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the first respondent. Mr.M.Thamizharasan, learned

Government Advocate takes notice for the second respondent. Since this writ petition is being disposed of without affecting the interest of the respondents 3 to 6, notice to the said respondents is dispensed with.

2. The petitioner seeks for a mandamus forbearing the 2nd respondent to sale again relating to Doc.No.2722 of 2019 dated 21.02.2019 in S.No.374/1B, Palankarai Village, Avinashi Taluk, Tiruppur District, until the disposal of the suit in O.S.No.545 of 2016, which is pending before the Sub Court, Avinashi.

3. According to the petitioner, the private respondents 3 to 6 are not entitled to make repeated sales in respect of the subject matter property, when the Civil Suits are pending between the parties.

4. Needless to say that when the civil suits are pending between the parties, it is for the petitioner to work out her remedy in those suits, by way of filing appropriate interim application and not by filing the present writ petition. Therefore, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, only by granting liberty to the petitioner to work out her remedy in the civil suits, which is pending before the concerned Civil Court. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Sub Registrar,
Office of Sub Registrar,
Avinashi, Tiruppur District.

+1 cc to Mr.S.Kolandasamy, Advocate, Sr.No. 29498

+1 cc to The Government Pleader, Sr.No. 31103

WP.No.9107 of 2019

CSL/26.04.2019