

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.22882 of 2019

and

W.M.P.No.22510 of 2019

E.Balaji Srinivas

..Petitioner

/versus/

1.The Commissioner,
Corporation of Coimbatore.,
Coimbatore 641 001.

2.The Assistant Commissioner,
Coimbatore Corporation Zonal Office(West),
Ramachandra Road,
R.S.Puram,
Coimbatore-2.

3.R.Eswaramurthi

4.Amit Nahar

5.Divya Nahar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent not to transfer the ownership name in the ward 49, property tax Nos.23111623, 23111624, 23111625, 23111626, 23111627 and water connection No.23216508, 23216509, pending O.S.No.685 of 2018 on the file of the IV Additional Court, Coimbatore by considering the petitioner representation dated 20.07.2019.

For Petitioner

:Mr.S.Vinoth Kumar

For Respondents

:Mr.R.Shivakumar
for R1 and R2

O R D E R

By consent the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Vinoth Kumar, learned counsel appearing for the petitioner and Mr.R.Shivakumar, learned counsel, who takes notice on behalf of respondents 1 and 2. Perused the affidavit.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent not to transfer the ownership name in the ward 49, property tax Nos.23111623, 23111624, 23111625, 23111626, 23111627 and water connection No.23216508, 23216509, pending O.S.No.685 of 2018 on the file of the IV Additional Court, Coimbatore by considering the petitioner representation dated 20.07.2019.

4. The case of the petitioner is that he has a title dispute with his father, who is the third respondent and therefore, he has filed suit in O.S.No.685 of 2018 on the file of the IV Additional Court, Coimbatore, which is pending. Pending the suit, the third respondent and his sister have alienated a portion of the property to respondents 4 and 5 and sale deed has been registered on 04.07.2019. Knowing that the petitioner has given a representation to respondents 1 and 2 not to effect name transfer. Now, he has filed the present writ petition seeking Mandamus to direct respondents 1 and 2 to dispose of his representation dated 20.07.2019.

5. From the averments made in the affidavit, this Court finds that there is a title dispute between the petitioner and the third respondent. The matter has been seized of by the civil Court. Pending the suit, it appears that third respondent has alienated the suit property, which is the subject matter of O.S.No.685 of 2018. Any grievance connected to the relief sought for in the suit has to be agitated in the civil Court and not in the Writ Court. Further more, the representation of the petitioner herein given to the respondents 1 and 2 on 20.07.2019 has to be considered only if there is any request from

respondents 4 and 5 as emanated for mutation of name transfer. This writ petition lacks jurisdiction. Hence, this Writ Petition is dismissed with liberty to the petitioner herein to work out his remedy in the pending suit in O.S.No.685 of 2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Commissioner,
Corporation of Coimbatore.,
Coimbatore 641 001.
- 2.The Assistant Commissioner,
Coimbatore Corporation Zonal Office(West),
Ramachandra Road,
R.S.Puram,
Coimbatore-2.

+1cc to Mr.S.Vinothkumar, Advocate Sr.67028
+1cc to Mr.R.Sivakumar, Advocate Sr.67236

W.P.No.22882 of 2019

sv[co]
srg 14/09/2019

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