



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.2020 of 2021

WEB COPY

Krishnan Chettiar

... Petitioner

- Vs -

1.The Tahsildar,
Thiruverumbur,
Trichy.

2.Natarajan

3.Hemalatha

4.Mallika Patel

... Respondents

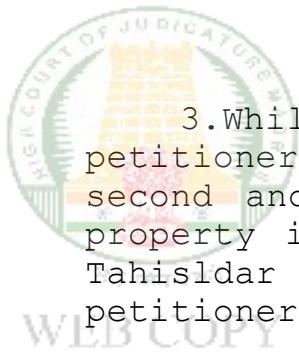
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 28.12.2020 given for enquire the petitioner in the patta transfer proceedings pending before the first respondent on a petition given by the second and third respondents in respect of property situated in Elanthaipatti Village, Thiruverumbur, Trichy District within the period that may be stipulated by this Court.

For Petitioner	: Mr.V.Vishnu
For Respondent 1	: Mr.A.Thiyagarajan
	Government Advocate

ORDER

The case of the petitioner is that he was the absolute owner of the property comprised in S.F.No.32/5 ad-measuring to an extent of 1.40 Acres situated at Palaniyandi Chepilan Village, Thiruverumbur, Tiruchirappalli District. The petitioner has appointed one Veeraiyan as his power of attorney under registered deed of general power of attorney dated 02.11.2012 vide Document No.515/2012 to deal with the subject property.

2.The petitioner sold a land to an extent of 70 cents to fourth respondent one Mallika Patel through his power agent for a valuable consideration under the registered sale deed dated 11.11.2014 and also entered into a sale agreement with the fourth respondent for the remaining extent of 70 cents. The patta was also transferred in the name of the fourth respondent after the sale was over.



3.While so, the Tahsildar concerned had issued summons to the petitioner on 18.02.2013 in response to a complaint given by the second and third respondent herein against the transfer of the property in question by the petitioner. After due enquiry, the Tahsildar rejected the complaint and patta was also issued in petitioner's favour.

4.According to the petitioner, thereafter, the second and third respondent had lodged a false complaint to the District Registrar and to the Anti-Land Grabbing Cell, Trichy, claiming that they were the original owners of the property but the land was illegally transferred by the petitioner in favour of the fourth respondent by falsification of documents. According to the petitioner, the District Registrar is not competent to enquire into the title dispute to the property. According to him, the District Registrar passed an order on 20.05.2020 without affording an opportunity to the petitioner.

5.In this regard, the petitioner filed a original suit through his power agent in O.S.No.732 of 2020 on the file of the II Additional Subordinate Court, Tiruchirappalli, challenging the order passed by the District Registrar. The petitioner appears to have also filed an I.A.No.2 of 2020 in the said suit praying for interim order of stay of the District Registrar's order. While matter stood thus, according to the petitioner, the second and third respondent, with the help of some local persons, approached the Tahsildar for cancellation of patta of the property in question sold by him to the fourth respondent and insert their names on the basis of the order passed by the District Registrar on 20.05.2020. In the said circumstances, the petitioner is before this Court for issue of Writ of Mandamus directing the first respondent to enquire the petitioner also in the proceedings pending before him.

6.From the above narrative, it is clear that in regard to the running dispute between the petitioner and the private respondents, there is a suit pending on the file of the II Additional Subordinate Court, Tiruchirappalli. The crucial order passed by the District Registrar on 20.05.2020 is the subject matter of challenge in the pending civil proceedings. When the entire dispute is within the purview of the suit proceedings in O.S.No.732 of 2020, this Court is not inclined to entertain the present Writ Petition as that would only complicate the issues further and would have far-reaching consequences in the pending suit before the Civil Court.

7.Moreover, this Court is of the considered view that pending finalization of the suit, it is open to the petitioner to obtain any interim direction from the Civil Court to protect and



safeguard his interest as against any illegal claim of the private respondents. Instead of approaching the Civil Court in the pending civil proceedings, the petitioner has unnecessarily invoked the writ jurisdiction of this Court. This Court is, therefore, not inclined to entertain this Writ Petition as mere entertaining the Writ Petition would needlessly precipitate the civil dispute qua parties pending before the Civil Court.

8. Therefore, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

The Tahsildar,
Thiruverumbur,
Trichy.

+1 CC to SGP (SR-3771[F] dated 08/02/2021)

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KM (25.02.2021) 3P 3C