



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:03.03.2021
CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

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W.P (MD) No.4269 of 2021

N.Balamurugan

..Petitioner

Vs

1. The District Registrar,
District Registrar Office,
Virudhunagar,
Virudhunagar District.
2. The Sub Registrar,
Sub Registrar Office,
Watrap, Virudhunagar District.
3. Venkatesan
4. Tirupathiraja

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to refrain himself from registering any sale deed, supposed to be entered into between 3rd respondent and 4th respondent, in respect of 2 acre, 47 cent Punja Land, Comprised in S.No.909/2, situated at Watrap Pudhupatti, Watrap Taluk, Virudhunagar District, on the basis of the petitioner's representation, dated 09.02.2021.

For Petitioner

: Mr.T.Indrachittu

For Respondent

: Mr.K.Sathiya Singh,

Nos.1 and 2

Additional Government Pleader

ORDER

The case of the writ petitioner is that he entered into an oral agreement with the 3rd respondent, whereby the 3rd respondent agreed to sell his property of Punja land of measuring 2 Acres 47 Cents in Survey No.909/2 at Watrap Pudupatti, Virudhunagar District.

2. According to him the oral agreement was entered into on consideration of payment of Rs.2,35,000/- as advance and the said advance payment was also paid to the 3rd respondent.

3. While the matter stood thus, according to the petitioner the 3rd respondent has resiled his promise and attempted to sell the



property to a 3rd party. The 3rd respondent appears to have also filed a civil suit in O.S.No.36 of 2021 for an injunction restraining the petitioner herein from interfering with the peaceful possession and enjoyment of the property in question.

4. According to the averments in the affidavit, the petitioner was also taking active steps to contest the case with his counter claim.

5. While so, the petitioner appears to have submitted a representation, dated 09.02.2021 to the 2nd respondent requesting to refrain from registering any sale deed to be entered into between the 3rd and 4th respondents and as no orders have been passed, the petitioner is before this Court.

6. This Court is aghast that how the petitioner can seek for cancellation and so casually invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and seek a direction with a view to settle his personal scores against the 3rd respondent and bring the dispute within the realm of public law remedy

7. Admittedly, when the suit is pending *qua* parties, filing of the writ petition in the interregnum is gross abuse of process of Court. Filing writ of mandamus in these kind of matters, where the private disputes are sought to be adjudicated before this Court are time and again discountenanced and deprecated commenting of such casual propensity of litigant, invoking of the constitutional jurisdiction as a matter of course

8. As far as the case on hand is concerned, the affidavit is completely bereft of any details, the same being extremely sketchy and so recklessly drafted hardly containing any details supporting the so called right of the petitioner in seeking the direction in this writ petition.

9. This Court's precious time is being spent on such frivolous litigations and in the given circumstances, it needs to be dismissed with costs. Therefore, the writ petition is dismissed with costs of Rs.5,000/- [Rupees Five Thousand Only] and the writ petitioner is directed to pay the cost within a period of two weeks from the date of receipt of a copy of this order to the Hon'ble Chief Minister's relief fund for treating COVID-19 patients and in case the petitioner fails to pay the cost within two weeks, the District Collector concerned is directed to initiate proceedings under the Revenue Recovery Act, for recovering the amount and to pay the COVID-19 relief as directed above.

10. Registry is directed to mark a copy of the order to the District Collector concerned, so as to enable him to take action



against the petitioner in case the petitioner does not pay the cost within the period stipulated.

Sd/-

Assistant Registrar (W)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

To

1. The District Registrar,
District Registrar Office,
Virudhunagar,
Virudhunagar District.
2. The Sub Registrar,
Sub Registrar Office,
Watrap,
Virudhunagar District.

Coply to:

The District Collector,
Virudhunagar District,
Virudhungar

+1 CC to M/s.SPL GP (SR-8764[F] dated 04/03/2021)

W.P (MD)No.4269 of 2021
03.03.2021

DKS (CO)

KB(07.04.2021) 3P 5C