



WEB COPY

W.P.(MD)No.4763 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

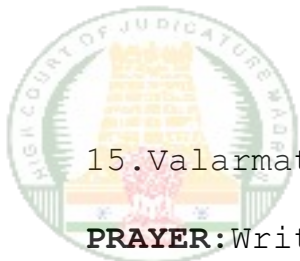
**W.P. (MD) No.4763 of 2021**  
**and**  
**W.M.P. (MD) No.3875 of 2021**

Francis David John

.. Petitioner

vs

- 1.The District Revenue Officer,  
Dindigul,  
Dindigul District.
- 2.The Revenue Divisional Officer,  
Kodaikanal,  
Dindigul District.
- 3.The Tahsildar,  
Kodaikanal,  
Dindigul District.
- 4.The District Registrar,  
Dindigul,  
Dindigul District.
- 5.The Sub Registrar,  
Kodaikanal,  
Dindigul District.
- 6.Chandralekha
- 7.Maheswari
- 8.Shanthi
- 9.Rajkumar
- 10.Bala Saraswathi
- 11.Kalaivani
- 12.Senthil Kumar
- 13.Bavani



15.Valarmathi

.. Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing these respondents 1 to 4, from making any changes or transfers, on the strength of the See.Ma(Patta Transfer) No.3/93/A4, dated 28/02/1995, without getting a verdict adjudication, in the civil proceedings O.S.No.99/2014, on the file of the District Munsif Court, Kodaikanal, with respect to the property 1.48.00 hectares in S.No.2610/1A, in Vilpatti revenue village in Pethuparai in Kodaikanal Taluk in Dindigul District.

For Petitioner : Mr.F.X.Eugene

For R1 to R3 : Mr.B.Bhagavathi  
Government Advocate

For R4 & R5 : Mr.K.Sathiya Singh  
Additional Government Pleader

### ORDER

The petitioner appears to have purchased a property from one Rajiv Rajamani on 21.03.2007 and since he has been in enjoyment and possession of the property, patta was transferred in his name in patta No.2096. According to the petitioner, a suit in O.S.No.99 of 2014 is pending before the District Munsif Court, Kodaikanal in respect of the dispute in regard to the property in question. In the meanwhile, the 3<sup>rd</sup> respondent appears to have passed an order, changing the patta and the petitioner has also submitted a representation in this regard. The petitioner has also stated several transactions in regard to the property and ultimately, he is before this Court seeking a writ of mandamus forbearing the respondents 1 to 4 from making any changes or transfers without waiting for the completion of civil proceedings in O.S.No.99 of 2014.

2.This Court is unable to appreciate as to how this Court's writ jurisdiction could be invoked in the circumstances of the case attempting to convert this Court's jurisdiction into an execution Court and issue directions restraining the authority from registering any document, till the suit proceeding is completed. When admittedly the suit in O.S.No.99 of 2014 is pending on the file of the District Munsif Court, Kodaikanal, it is open to the petitioner to workout his remedy in the pending suit and under no circumstances, he can approach this Court and seek intervention of this Court in the interregnum by way of filing the writ petition, which is an abuse of process of Court.



3. In view of the same, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Revenue Officer,  
Dindigul,  
Dindigul District.
2. The Revenue Divisional Officer,  
Kodaikanal,  
Dindigul District.
3. The Tahsildar,  
Kodaikanal,  
Dindigul District.
4. The District Registrar,  
Dindigul,  
Dindigul District.
5. The Sub Registrar,  
Kodaikanal,  
Dindigul District.

+1 CC to M/s.SPL GP ( SR-10100[F] dated 10/03/2021 )

+1 CC to M/s.F.X.EUGENE, Advocate ( SR-9999[F] dated 10/03/2021 )

**W.P. (MD) No. 4763 of 2021**

**09.03.2021**

smv (CO)

TR(07.04.2021) 3P 8C