

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14669 OF 2022

S.Gokul

... Petitioner

vs.

1. The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Attur,  
Salem District.
2. The Tahsildar,  
Office of the Tahsildar,  
Gangavalli Taluk,  
Salem.
3. The Tahsildar,  
Office of the Tahsildar,  
Thalaivasal Taluk,  
Salem.
4. The District Registrar,  
Office of the District Registrar,  
No.27 C, First Floor,  
Ramasundaram Street,  
Salem.
5. R.Ravi
6. R.Devendran
7. Jeeva
8. Vasanthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action restraining the respondents 5 to 8 or their agents, assigns, subordinates or any other person

claiming on behalf of them from further alienate and create separate patta for the petitioner's property situated at Survey No.310/10, 310/6, New S.No.310/10-C, 310/6-B, Thalaivasal Taluk, Veerakanur Village, measuring an extent of 42 cents, pending suit based on the petitioner's representation dated 28/07/2021.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

#### ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take appropriate action restraining the respondents 5 to 8 and their agents, assigns, subordinates or any other person claiming on behalf of them from further alienating and creating separate patta for the petitioner's property situated at Survey No.310/10, 310/6, New S.No.310/10-C, 310/6-B, Thalaivasal Taluk, Veerakanur Village, measuring an extent of 42 cents, pending suit based on the petitioner's representation dated 28/07/2021.

2. The case of the petitioner is that originally the properties in above said survey numbers situated in Veerakanur Village belong to the maternal grandparents of the petitioner. After the demise of petitioner's grandfather, the petitioner's grandmother out of love and affection, settled the property in favour of the petitioner vide document No.1820/2010, by way of Settlement Deed dated 12.11.2010. Thereafter, petitioner's name was incorporated in the computer chitta on 12.11.2010. When that being so, without the knowledge of the petitioner, the respondents 5 to 8 who are the relatives of the petitioner, obtained patta in their favour and alienated the said property in favour of third parties. Subsequently, the private respondents have filed a partition suit in O.S.No.347 of 2012 before the District Munsif Court, Attur. Pending the said suit, the private respondents alienated the property in favour of third parties. Against which, the petitioner has made several complaints before the respondents 1 to 3 to take appropriate action restraining the respondents 5 to 8 from alienating the petitioner's property. Since the same has not been considered by the respondents, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

3. Learned counsel for the petitioner submitted that earlier the private respondents have filed the said suit in O.S.No.347 of 2012, before the District Munsif, Attur, pending the said

suit, the private respondents obtained patta in their favour and subsequently alienated the petitioner's property in favour of third parties which is not sustainable in law. He further submitted that it would be sufficient if this Court issues direction to the respondents 1 to 3 to take appropriate action restraining the respondents 5 to 8 from alienating the petitioner's property.

4. The learned Special Government Pleader appearing for respondents has no objection for the said order being passed.

5. Heard the arguments advance on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and dispute between the petitioner and the private respondents is purely civil in nature and also earlier, the private respondents have filed a Suit against the petitioner which is pending in O.S.No.347 of 2012 on the file of the District Munsif Court, Attur, this Court is of the view that the prayer sought for by the petitioner cannot be granted and the same cannot be entertained under Article 226 of the Constitution of India.

7. In view of the above, this Writ Petition is dismissed with liberty to the petitioner to canvass his grievance, where the suit is pending. No costs.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

RAP

To

1. The District Munsif Court,  
Attur.
2. The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Attur, Salem District.
3. The Tahsildar,  
Office of the Tahsildar,  
Gangavalli Taluk,  
Salem.

4. The Tahsildar,  
Office of the Tahsildar,  
Thalaivasal Taluk,  
Salem.
5. The District Registrar,  
Office of the District Registrar,  
No.27 C, First Floor,  
Ramasundaram Street,  
Salem.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.35728

+1cc to the Government Pleader, S.R.No.36966

W.P.No.14669 of 2022

SKM(CO)  
RLP(12/07/2022)