



W.P.No.15562 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.15562 of 2017

and

W.M.P.No.16866 of 2017

S.S.Murugesan

. . . Petitioner

Vs.

1. The District Collector,
Namakkal

2. The Tahsildar,
Mahanoor Road,
Namakkal Taluk,
Namakkal District.

3. K.Sekar

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other order or direction in the nature of writ forbearing the 1st and 2nd respondents from transferring patta in favour of the 3rd respondent with respect to the petitioner's properties Thanathampatti in Survey nos:120/4, 120/2B, 122/4, 120/3 and Navani villlage in survey nos:731/3A, 732/3, Namakkal Taluk & District.

For Petitioners : M/s.S.Muthukrishnan

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader for R1 & R2
: M/s.S.Senthil for R3



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ORDER

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The present petition has been filed seeking a direction to the respondents 1 & 2 from transferring Patta in favour of the 3rd respondent in respect of the petitioner's properties situated in Survey nos:120/4, 120/2B, 122/4, 120/3 and Navani villlage in survey nos:731/3A, 732/3, Namakkal Taluk & District.

2. It is the case of the petitioner that he had availed loan from the Bank of Baroda, Namakkal Branch by mortgaging his property. Due to the default in repayment of the loan, O.A.No.315 of 2011 on the file of the Debts Recovery Tribunal came to be filed by the Bank for recovery of the said loan, in which, ex-parte order was passed, against which, the petitioner had filed I.A.No.922 of 2015 to set aside the ex-parte order, however, the same was dismissed. Challenging the said order, the petitioner filed an appeal before the Debts Recovery Appellate Tribunal, Chennai, in which, Bank of Baroda was directed to maintain *Status quo* on the condition of the petitioner depositing a sum of Rs.63,43,000/- , which order was also complied with by the petitioner.



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3. While being so, partition suit in O.S.No.27 of 2015 on the file of the District Court, Namakkal was filed by the petitioner's sister namely Rajamani, which was rejected, against which appeal was filed before this Court in A.S.No.561 of 2016, in which, an order of interim injunction was passed by this Court, based on which, said Rajamani had filed an objection letter to the 2nd respondent. However, based on the *status quo* granted by this Court, the petitioner had submitted an objection letter requesting not to entertain any of the documents pertaining to above said property. Despite the objections made by the petitioner and his sister Rajamani, sale certificate of the above property was entertained by the 2nd respondent for the transfer of patta as sought for by the 3rd respondent, pursuant to which, the petitioner has made a representation dated 15.04.2017 to 2nd respondent requesting not to transfer patta in favour of the 3rd respondent, however, till date, no action has been taken on the said representation. Hence, the present petition has been filed.



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4. Learned counsel for the petitioner submits that, pertaining to the property in dispute, Special Leave Petition has been filed before the Hon'ble Supreme Court in S.L.P.No.33124 of 2018, in which, interim order has been passed. While that being so, the respondents cannot mutate the revenue records in respect of the aforesaid properties till the disposal of the SLP. In view of the above, this Court may issue a direction to the respondents restraining them from entertaining the documents pertaining to the disputed property.

5. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for respondents 1 & 2 who did not dispute the said fact and perused the materials available on record.

6. Though very many contentions have been raised, however, in view of the SLP pending before the Hon'ble Apex Court in S.L.P.No.33124 of 2018, this Court, without going into the merits of the case, directs the 2nd respondent not to mutate the revenue records pertaining to the above said property till the disposal of the SLP.



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7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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NHS

Index : Yes / No

Internet : Yes / No

To

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