



WEB COPY



W.P.No.32799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32799 of 2023
and W.M.P.No.32513 of 2023

M.JOHN BRITTO

... Petitioner

Vs.

1. INSPECTOR GENERAL OF REGISTRATION
CHENNAI

2. THE SUB REGISTRAR
THONDAMUTHUR, COIMBATORE DISTRICT

3. DR. S.B. RENA ROSALIND

4. P.SETHU AMMAL

5. K.ANANDKUMAR

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent not to effect or register any encumbrance or alienation of the petition mentioned properties in S.F. No. 599/1 , SF No. 599/2C 1A and SF. No. 599/2C 1 B to an total extent of 5.00 Acres in Madhvaraya Village in Coimbatore pending disposal of the Suit O.S. No. 514 of 2023 on the file of District court, Coimbatore.



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For Petitioner : Ms.T.R.Gayathri
for M/s Sarvabhauman Associates

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for RR1 & 2

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent not to effect or register any encumbrance or alienation of the petition mentioned properties in S.F. No. 599/1 , SF No. 599/2C 1A and SF. No. 599/2C 1 B to an total extent of 5.00 Acres in Madhvaraya Village in Coimbatore, pending disposal of the Suit in O.S. No. 514 of 2023 on the file of the District court, Coimbatore.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and also perused the materials available on record.



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3.The learned counsel for the petitioner submitted that the petitioner intended to purchase the above mentioned property from one Standly Buck, to expand the charitable trust, which he had already run in the name of Canaan Charitable Social Trust. After receiving a sum of Rs.40 lakhs, the said Standly Buck defaulted to execute the sale deed in favour of the petitioner. Therefore, the petitioner has filed a suit for permanent injunction in O.S.No.1604 of 2007 on the file of the III Additional District Munsif Court, Coimbatore. By an order dated 03.01.2017, the said suit was decreed in favour of the petitioner.

4.The learned counsel for the petitioner further submitted that the petitioner had filed another suit in O.S.No.514 of 2023 seeking for declaration of title on the file of the District Judge, Coimbatore and the same is pending. However, pending suit, the respondents 3 and 4 are trying to execute the sale deed in favour of the 5th respondent. Hence, the petitioner, with no other alternative remedy, has filed the present Writ Petition.



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5. Admittedly, the petitioner has filed a suit in O.S.No.1604 of 2007 and the same was decreed in favour of him. Another suit filed by the petitioner, for declaration of title in O.S.No.514 of 2023 is pending before the District court, Coimbatore. Thus, the issue involved in this Writ Petition is civil in nature and the parties are relegated to resolve their issues before the Civil Forum. Therefore, this Court cannot entertain the prayer as such sought for by the petitioner in this Writ Petition, by invoking the provisions under Article 226 of the Constitution of India and the Writ Petition is devoid of merits.

6. In the result, this Writ Petition stands dismissed, granting liberty to the petitioner, to work out his remedy in the manner known to law, if so advised. No costs. Consequently connected miscellaneous petition is closed.

21.11.2023

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Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No



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To

1. THE INSPECTOR GENERAL OF REGISTRATION
CHENNAI

2. THE SUB REGISTRAR
THONDAMUTHUR, COIMBATORE DISTRICT



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P.VELMURUGAN, J.,

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