



W.P(MD)No.7966 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.7966 of 2023

A.R.Boothalingam Pillai

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by, the District Collector,
Kanyakumari District, Nagercoil.
2. The District Revenue Officer,
Kanyakumari District, Nageroil.
3. The Inspector of Police,
Economic Offences Wing,
Kanyakumari District, Nagercoil.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from conducting sale and alienating the mentioned 12 properties to an extent of 36 cents in Re.Sy.No. 309/9 1 Acre equal to 0.42.0 ares in Re.Sy.No. 309/11, 80 cents in Re.Sy.No. 309/6, 1 acre 22 cents 314 sq.links in Re.Sy.No. 308/5, 92 cents 660 sq.links in Re. Sy.No. 304/2, 3 Acres 9 cents



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985 Sq.links in Re.Sy.No. 258/2, 1 Acres 32 cents in Re.Sy.No. 305, 1 Acres in Re.Sy.No. 305, 3 Acres 2 cents 575 Sq.links in Re.Sy.No. 307/2, 19 cents in Re.Sy.No. 307/3 and 26 cents 250 sq.links in Re.Sy.No. 307/5 and 1 Acre 6 cents in Re.Sy.No. 310/6 situated at Azhahiyapandipuram Village, Thovalai Taluk, Kanyakumari District, which are the subject matters in O.S.No.21 of 2011 pending on the file of the Additional District and Sessions Judge, Nagercoil based on the petitioner's representation, dated 31.03.2022.

For Petitioner	:Mr. L.George Paul Anto
For R1 to R3	:Mr.N.Muthu Vijayan Special Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus, seeking a negative relief forbearing the first and second respondents from conducting sale and alienating the 12 properties measuring to an extent of 36 cents in Re.Sy.No. 309/9 1 Acre equal to 0.42.0 ares in Re.Sy.No.309/11, 80 cents in Re.Sy.No. 309/6, 1 acre 22 cents 314 sq.links in Re.Sy.No. 308/5, 92 cents 660 sq.links in Re. Sy.No. 304/2, 3 Acres 9 cents 985 Sq.links in Re.Sy.No. 258/2, 1 Acres 32 cents in Re.Sy.No. 305, 1 Acres in Re.Sy.No. 305, 3 Acres 2 cents 575 Sq.links in Re.Sy.No. 307/2, 19 cents in Re.Sy.No. 307/3 and 26 cents 250 sq.links in Re.Sy.No. 307/5 and 1 Acre 6 cents in



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Re.Sy.No. 310/6 situated at Azhahiyapandipuram Village, Thovalai Taluk,
Kanyakumari District.

2.It is claimed that these properties are the subject matters in O.S.No.21 of 2011, now pending before the Additional District and Sessions Judge, Nagercoil. The said suit has been filed for specific relief by the petitioner herein.

3.While examining the provision of sale and contract of sale, Section 54 of Transfer of Property Act, 1882 specifically provided as follows:

“54.SALE OF IMMOVEABLE PROPERTY:

Contract for sale.—*A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties. It does not, of itself, create any interest in or charge on such property.”*

4.It is stated by the learned Special Government Pleader, who appears on behalf of the respondents 1 to 3 that the properties were brought to sale, by the order of TNPID Court, Madurai and that the judicial process is ongoing. At this juncture, the petitioner cannot seek a direction to frustrate the said process.



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5. Accordingly, this Writ Petition stands dismissed. No costs.

11.04.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM

To

1. The District Collector,
The State of Tamil Nadu
Kanyakumari District, Nagercoil.
2. The District Revenue Officer,
Kanyakumari District, Nagercoil.
3. The Inspector of Police,
Economic Offences Wing,
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C.V.KARTHIKEYAN,J.

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ORDER IN
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