



W.P(MD)No.11350 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11350 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

A.R.Boothalingampillai

... Petitioner

Vs.

1.The Principal Secretary,
Department of Home,
Government of Tamilnadu,
Fort St.George,
Chennai – 01.

2.The District Revenue Officer,
Kanyakumari District,
Nagercoil – 01.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent in G.O.Ms.No.872 dated 12.11.2012 and quash the same and consequently direct the respondent 1 and 2 not to interfere with the peaceful possession and enjoyment of the petitioner with respect to properties admeasuring a total extent of 14.66 acres in survey Numbers 309/7, 309/11, 309/6,



W.P(MD)No.11350 of 2014

308/5, 304/2, 258/2, 2,2,4,9,10, 205, 307/2,3,5, 310/6, 258/4, 309/2, 308, 309 in Alagiyapandiapuram village, Thovalai Taluk, Bhoothappandi Registration District, Kanaykumari District.

For Petitioner : Mr.Puhazh Gandhi

For Respondents : Mr.SRA.Ramachandran,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned government order whereby the petition mentioned immovable properties of financial establishment were attached under Section 3 of TNPID Act, 1997.

3.Subsequently, the properties were also brought to sale. The petitioner filed W.P.(MD)Nos.7966 and 1837 of 2023. Both the writ petitions were dismissed. The order dismissing the writ petitions are as follows:-



W.P(MD)No.11350 of 2014

WEB COPY

“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 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*



W.P(MD)No.11350 of 2014

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.

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

4.When the subsequent actions taken by the authorities were sustained, the question of interfering with the order of attachment does not arise at all. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.11350 of 2014

To:-

WEB COPY

- 1.The Principal Secretary,
Department of Home,
Government of Tamilnadu,
Fort St.George,
Chennai – 01.
- 2.The District Revenue Officer,
Kanyakumari District,
Nagercoil – 01.



WEB COPY



W.P(MD)No.11350 of 2014

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.11350 of 2014

03.07.2023