



W.P.No.11563 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24..04..2024

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.11563 of 2019
and
W.M.P.No.11815 of 2019

C.Thangam

..Petitioner

VS

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Revenue Divisional Officer,
Pennagaram Taluk,
Dharmapuri District.
- 3.The Tahsildar
Tahsildar Office,
Pennagaram Taluk,
Dharmapuri.
- 4.The Revenue Inspector,
Perumpalai,
Pennagaram Taluk,
Dharmapuri District.
- 5.The Village Administrative Officer,
Perumpalai Village, Perumpalai,
Pennagaram Taluk,
Dharmapuri District.



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6.M.Sasikala

7.Mythili

.. Respondents

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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 3rd respondent not to transfer in favour of the 7th respondent the Patta Nos. 1468 & 1469 in Survey No. 492, 490/2A, 498/2, 494/3A, 495/2E, 495/2B and 499/2B situated at Perumpalai Village, Pennagaram Taluk, Dharmapuri District in pursuance of the representation of the petitioner dated 05.03.2019.

For Petitioner	:	Mr.P.Rathanavel
For Respondents	:	Mr.A.Selvendran Special Government Pleader for R1 to R5 No appearance for R6 Mr.M.Arun for Mr.K.S.Balaji, for R7

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 3rd respondent not to transfer in favour of the 7th respondent the Patta Nos. 1468 & 1469 in Survey No. 492, 490/2A, 498/2, 494/3A, 495/2E, 495/2B and 499/2B situated at Perumpalai Village, Pennagaram Taluk, Dharmapuri District in pursuance of the representation of the petitioner dated 05.03.2019.

2. The case of the petitioner is that the 6th respondent is the absolute owner of the landed property comprised in S.No.492, 490/2A,



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498/2, 494/3A, 495/2E, 495/2B and 499/2B situated at Perumpalai village, Pennagaram Taluk, Dharmapuri District by virtue of sale deed dated 14.02.2021. The 6th respondent entered into an agreement of sale with him on 17.05.2011 agreeing to sell the said property to him for a sale consideration of Rs.3,00,000/- and received a sum of Rs.2,50,000/- towards advance on the date of agreement itself and the balance of Rs.50,000/- was agreed to be paid within 29 months. As the 6th respondent had failed to execute the sale deed, he filed a suit in O.S.No.185 of 2013 on the file of the Subordinate Judge, Dharmapuri for specific performance of contract and obtained an interim order of injunction in I.A.No.316 of 2013 on 26.09.2023 restraining the 6th respondent from alienating the subject property. However, 6th respondent has sold away the property to the 7th respondent during the pendency of the suit. Hence, the present writ petition.

3. A counter affidavit has been filed by the 7th respondent inter-alia contending that the suit filed by the petitioner came to be dismissed on 18.11.2016 and suppressing the fact of dismissal of the suit, the present writ petition has been filed.

4. Heard both sides.



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5. The dismissal of the suit is not disputed by the learned counsel for the petitioner. In such view of the matter, the petitioner cannot seek a direction restraining the 3rd respondent from transferring patta in the name of the 7th respondent in respect of the lands in Survey No. 492, 490/2A, 498/2, 494/3A, 495/2E, 495/2B and 499/2B situated at Perumpalai Village, Pennagaram Taluk, Dharmapuri District. Even assuming that the suit filed by the petitioner for specific performance of contract is pending, any transfer of property made through sale during pendency of such suit would be subject to the result of the suit. Therefore, even if the patta in respect of the subject property is transferred in the name of the 7th respondent, would not make any difference. It all depends upon the result of the suit. Thus, this court does not find any merit in the writ petition and no direction as prayed by the petitioner in the writ petition can be granted. The writ petition fails and the same is liable only to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMP is closed.

Index :Yes/No
Neutral Citation :Yes/No
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N.SATHISH KUMAR,J.

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