



W.P.No.15010 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.15010 of 2021

and

W.M.P.No.15891 of 2021

Saminathan

..... Petitioner

-Versus-

1.The Collector,
Tiruppur District,
Tiruppur.

2.The Sub-Registrar,
Thottipalayam,
Tiruppur,
Tiruppur District.

3.The Tahsildar,
Tiruppur South,
Sevanthapalayam,
Tiruppur,
Tiruppur District.

4.Kandasamy

5.Balakrishnan

6.Periyasamy

7.Vijayakumar

..... Respondents



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Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 2nd respondent from registering any sale deed in respect of unapproved residential plots of the respondents 4 to 9 in S.No.141/1A and S.No.141/1B situated at Nachipalayam Village, Tiruppur District.

For Petitioner : Mr.S.Doraisamy

*For Respondent (s) : Mr.P.Ananda Kumar,
Government Advocate for RR1
to 3*

*Mr.K.Myilsamy
for RR6 to 9*

No appearance for RR4 & 5

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, forbearing the 2nd respondent from registering any sale deed in respect of unapproved residential plots of the respondents 4 to 9 in S.No.141/1A and S.No.141/1B situated at Nachipalayam Village, Tiruppur District.

2. It is the case of the petitioner that he has become the absolute owner of a land measuring an extent of Acres and 76 cents comprised in S.No.141/1C, situated at Nachipalayam Village, Tiruppur District, having acquired an extent of 3 Acres and 52 cents through a partition dated 04.06.1986 registered vide



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Doc.No.1278 of 1986 entered into among himself and Chinnasamy Gounder

and, Balasubramaniam and having purchased 0.24 cents from Chinnasamy

Gounder through a sale deed dated 03.09.1992 vide Doc.No.3805. The 4th

respondent is his adjacent land owner having land in S.No.141/1B and the

respondents 6 to 9 are also the adjacent land owners having land in

S.No.141/1A. The respondents 6 to 9 have executed a power of attorney dated

13.01.2016 in favour of the 5th respondent to develop their land in

S.No.141/1A. The grievance of the petitioner is that an extent of 0.46 acres of

land comprised in S.No.141/1C belonging to the petitioner belonging to him

was wrongly included in the respondent's name in the revenue records and

taking advantage of the same, plots have been developed and land of the

petitioner also included in the layout. Now, the respondents 6 to 9 through the

5th respondent attempted to sell the house plots. The petitioner has filed a suit

in O.S.No.436 of 2016 on the file of the District Munsif, Tiruppur, against the

respondents 4 to 9 for declaration of title in respect of 3 Acres and 76 cents in

S.No.141/1 and for permanent injunction.

3. Heard both sides.

4. The learned Government Advocate vehemently opposed the writ petition contending that there is already a civil suit pending between the parties



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and the petitioner made an attempt to settle the civil dispute before this court.

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5. Considering the facts and circumstances of the case, this court is of the view that when a civil suit is already pending, it is well open to the petitioner to move appropriate application, if he so desires, for ad-interim injunction against the 2nd respondent statutory authority from any sale deed in respect of the land in dispute pending disposal of the suit and as pointed out by the learned Government Advocate, there cannot be any blanket order of mandamus as prayed for by the petitioner . Thus, the writ petition is devoid of merits 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
Speaking / Non Speaking Order
kmk

09..07..2024

To

- 1.The Collector, Tiruppur District, Tiruppur.
- 2.The Sub-Registrar, Thottipalayam, Tiruppur, Tiruppur District.
- 3.The Tahsildar, Tiruppur South,Sevanthapalayam,Tiruppur, Tiruppur District.



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