



W.P.No.30230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30230 of 2024

Sathyashree

... Petitioner

VS.

1.The Inspector General of Registration,
No. 100, Santhome High Road,
Mullima Nagar,
Mandavalipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2.The District Registrar,
Vellore,
Vellore District.

3.The District Collector,
Office of the Collectorate,
Vellore District.

4.The District Revenue Officer,
Collectorate Campus,
Vellore District.

5.The Revenue Divisional Officer,
Vellore District,
Vellore.



W.P.No.30230 of 2024

6.The Tahsildhar,
Anaicut Taluk,
Vellore District.

7.Nedunchezian

8.B.Jagadeeswaran

9.N.Malathi

10.C.Jayaraman

11.J.Sridhar

12.J.Ashok Kumar

13.J.Nalini

14.J.Karunanidhi @ Prabhu

15.C.Chitty Babu

16.C.Santhosh Kumar

17.C.Banumathi

18.K.Mahendran Kumar

19.V.Ramesh Kumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 3 to 6 from transferring patta in the name of any 3rd party pending civil suit in O.S.No. 142 of 2023 on the file of learned Principal District and Sessions Judge, Vellore based on her representation dated 02.07.2024.



WEB COPY



W.P.No.30230 of 2024

For Petitioner : Mr.K.Balu

For R1 and R2 : Mr.M.Shahjahan
Special Government Pleader

For R3 to R6 : Mr.P.Sathish
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents 1 to 6, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks issue of Writ of Mandamus, forbearing the respondents 3 to 6 from transferring patta in the name of the 3rd party pending disposal of civil suit in O.S.No.142 of 2023 on the file of the Principal District and Sessions Court, Vellore, by considering her representation dated 02.07.2024.

3. Admittedly, in respect of the subject property, a civil suit for partition is pending between the petitioner and other family members in



W.P.No.30230 of 2024

O.S.No.142 of 2023 on the file of the Principal District and Sessions Court, Vellore. It is the case of the petitioner that her father settled the subject matter of the suit in favour of her brother and her brother is attempting to alienate suit property to third party and get the revenue records mutated on the basis of the documents executed pending suit.

4. It is settled law any alienation made pending suit will not affect the right of the parties and the same is subject to the result of the suit. Therefore, any alienation or mutation of the revenue records pending suit will not affect the right of the petitioner in any way and the petitioner's right will be protected by Section 52 of the Transfer of Property Act, 1882.

5. In the case on hand, admittedly, a civil suit is pending and it is open to the petitioner to workout her remedy by seeking necessary prohibitory orders against alienation from the Civil Court in the pending suit. Therefore, this Court is not inclined to issue any positive direction to the official respondents as prayed for.



W.P.No.30230 of 2024

6. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to workout her remedy before the Civil Court in the manner known to law. No costs.

15.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Inspector General of Registration,
No. 100, Santhome High Road,
Mullima Nagar, Mandavalipakkam,
Raja Annamalai Puram,
Chennai – 600 028.
2. The District Registrar,
Vellore, Vellore District.
3. The District Collector,
Office of the Collectorate,
Vellore District.
4. The District Revenue Officer,
Collectorate Campus, Vellore District.
5. The Revenue Divisional Officer,
Vellore District, Vellore.
6. The Tahsildhar,
Anaicut Taluk, Vellore District.



WEB COPY



W.P.No.30230 of 2024

S.SOUNTHAR, J.

dm

W.P.No.30230 of 2024

15.10.2024