



W.P.(MD)No.18800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18800 of 2024

Sonay Yadhav

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Registrar,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,
Thiruppathur Sub Registrar Office,
Thiruppathur,
Sivagangai District.

4.Madhavan

5.S.Manikandan

6.Narayanan

7.Kaliappan

8.C.Ravichandran

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to take necessary action to prevent any further alienation or encumbrance of the disputed properties by the 4th respondent or anyone acting through him, pending final disposal of the civil suit in O.S.No. 93 of 2023 on the file of the Learned District Munsif, Thiruppathur, Sivagangai District.

For Petitioner	: Mr.P.Saravanakumar
For Respondents	: Mr.C.Satheesh, Government Advocate.

ORDER

This Writ Petition has been filed seeking direction to the respondents 2 and 3 to take necessary action to prevent any further alienation or encumbrance of the disputed properties by the 4th respondent or anyone acting through him, pending final disposal of the civil suit in O.S.No.93 of 2023 on the file of the Learned District Munsif, Thiruppathur, Sivagangai District.

2. With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The grievance of the petitioner is that though there is a civil suit is pending between the petitioner and the 4th respondent in O.S.No.93 of 2023, on the file of the Learned District Munsif, Thiruppathur, Sivagangai District, the 4th respondent has executed several sale deeds in favour of respondents 5 to 8. Hence, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that this Writ Petition is nothing but abuse of process of law. As per Section 52 of the Transfer of Property Act, 1882, any property sold during the pendency of a suit, is subject to the result of the suit. Even if the petitioner succeeds the title in the suit, the transfer is also subject to the doctrine of *lis pendens*.

5. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

vsm

To

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Sivagangai District,
Sivagangai.
- 2.The District Registrar,
Sivagangai District,
Sivagangai.
- 3.The Sub Registrar,
Thiruppathur Sub Registrar Office,
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