



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.18989 of 2024

and

W.M.P(MD)Nos.16038 and 16039 of 2024

Devaraj

..Petitioner

Vs

- 1.The Sub-Registrar,
Sub-Registrar Office,
Munchirai,
Kanyakumari District.
- 2.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.
- 3.The Block Development Officer,
Block Development Office,
Killiyoor Taluk,
Kanyakumari.
- 4.The President,
Killiyoor Town Panchayat,
Tolayavattam Post,
Killiyoor Taluk,
Kanyakumari.
- 5.The Executive Officer,
Killiyoor Town Panchayath,
Tolayavattam Post,
Killiyoor Taluk,
Kanyakumari District.
- 6.The Junior Engineer(JE),
Distribution,
TANGEDCO,



Munchirai,
Kanyakumari District 629 171.

WEB COPY

7.Pushpa Baby

8.Sheeba

9.Jawahar

10.Rajesh

11.Kesavadhas

12.C.Sasidharan

13.T.Mandhara

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 6 to consider the representation of the Petitioner, dated 19.7.2024 and to initiate action against the respondents 11 to 12 herein in accordance to law.

For Petitioner :Mr.S.Bharathy Kannan

For Respondents :Mr.A.Kannan
1 to 5 Additional Govt.Pleader

ORDER

The Petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 6 to consider the representation of the Petitioner, dated 19.7.2024 and to initiate action against the respondents 11 to 12 herein in accordance to law.



2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.It is the case of the Writ Petitioner that O.S.No.715 of 1992 has been originally filed for partition and now Second Appeal in S.A.NO.326 of 2005 is pending before this Court in this regard. Pending the suit, several transactions took place. Hence the Petitioner seek for a direction to the revenue authorities not to create further encumbrance in the properties in question. The learned counsel for the Petitioner would submit despite interim order passed in the Second Appeal, property in question has been sold. Now further encumbrance also attempted. Hence, the Petitioner has come forward with the above Writ Petition for the relief stated supra.

4.At the outset, a perusal of the typed set of papers would reveal that interim order is only with regard to cutting of trees and not with regard to alienation. Alienation has already been taken place. When such being the position, a blanket order in the Writ Petition cannot be ordered. Any transaction made is subject to the rights of the parties in the suit. If property rights are decided in the suit, the allotment of share shall be sought for in the final decree proceedings. In such view of the matter, this

Court finds no merit in the Writ Petition.



5. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

06.08.20245

Index : Yes/No

Internet: Yes/No

NCC : Yes/No

vsn

To

1. The Sub-Registrar,
Sub-Registrar Office,
Munchirai,
Kanyakumari District.
2. The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.
3. The Block Development Officer,
Block Development Office,
Killiyoor Taluk,
Kanyakumari.
4. The President,
Killiyoor Town Panchayat,
Tolayavattam Post,
Killiyoor Taluk,
Kanyakumari.
5. The Executive Officer,
Killiyoor Town Panchayath,
Tolayavattam Post,
Killiyoor Taluk,
Kanyakumari District.
6. The Junior Engineer(JE),
Distribution,



TANGEDCO,
Munchirai,
Kanyakumari District 629 171.



WEB COPY



6

N.SATHISH KUMAR.,J

vsn

ORDER MADE IN

W.P(MD)No.18989 OF 2024

and

W.M.P(MD)Nos.16038 and 16039 of 2024

06.08.2024



WEB COPY





WEB COPY





WEB COPY





WEB COPY





WEB COPY

