



WEB COPY



W.P.No.11237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.11237 of 2025

A.Palaniyammal

.... Petitioner

Vs

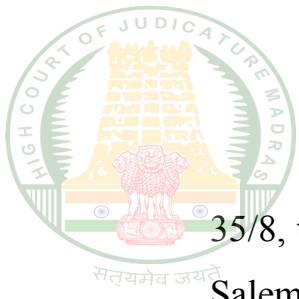
1.The Tahsildar
Salem Taluk Office
Salem District.

2.The Sub Registrar
Ayothiyapattinam Sub Registrar Office
Gomu Nagar, Salem District.

3.A.Perumal
4.Mathammal
5.K.Gunalan
6.G.Dinesh Kumar
7.J.Karthika

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the first respondent and second respondent herein not to alienate any of the encumbrance entries (i.e., name transfer of patta nor sale deed, settlement deed or any mortgage deed in favour of any third party) to the subject lands in Survey Nos.35/2, 35/7, 35/6, 35/5,



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35/8, totally to an extent of 1.43 acres in Achankuttapatty Village, Salem Taluk, Salem District, based on the representation dated 20.01.2025 and to direct 1 and 2 respondents to maintain status quo till the disposal of the suit in O.S.No.522 of 2022, pending before I Additional Subordinate Court, Salem.

For Petitioner : Mr.R.Naresh Kumar
For Respondents : Mr.P.Harish
Government Advocate [R1 & R2]

ORDER

This writ petition has been filed for issue of Writ of Mandamus directing the first and second respondent not permit any alienation of the property by the private respondents, pending the suit in O.S.No.522 of 2022 on the file of I Additional Sub Court, Salem.

2. Heard Mr. R.Naresh Kumar, learned counsel appearing for the petitioner and Mr.P.Harish, learned Government Advocate for respondents 1 and 2.

3. In the considered view of this Court, the relief sought for in this writ petition is totally misconceived. Admittedly, the substantive suit is pending in O.S.No.522 of 2022 before the I Additional Sub Court, Salem. Pending the suit,



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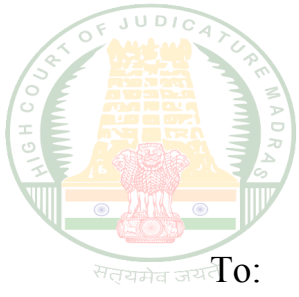
attempts were made by the private respondents to alienate the property. If so, the petitioner has to move an appropriate application before the trial Court and seek for an interim order. The petitioner cannot be allowed to invoke writ jurisdiction and seek for an interim relief when the substantive suit is pending before the trial Court. The law on this issue is too well settled.

4. In view of the above, it is left open to the petitioner to go before the trial Court and seek necessary interim relief. Except giving this clarity, no further orders can be passed in this writ petition.

5. This writ petition is disposed of with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ds



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N. ANAND VENKATESH., J

ds

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