



W.A.(MD)Nos.296 and 393 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)Nos.296 and 393 of 2021
and
C.M.P.(MD)Nos.993 and 1433 of 2021**

W.A.(MD)No.296 of 2021:-

A.Mandiramoorthy

... Appellant

Vs.

1.P.Eniya Bharathi

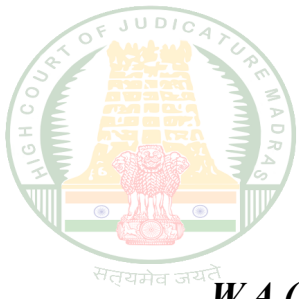
2.The Sub Registrar,
Kovilpatti,
Tuticorin District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 23.03.2020 made in W.P.(MD)No.6617 of 2019 on the file of this Court.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Sivaji for R1.
Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R2.



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W.A.(MD)No.393 of 2021:-

A.Manthira Moorthi

... Appellant

Vs.

1.The District Collector,
Tuticorin.

2.The Assistant Director,
Geology and Mining,
Thoothukudi.

3.The Sub Registrar,
Kovipatti,
Tuticorin District.

4.P.Eniya Bharathi

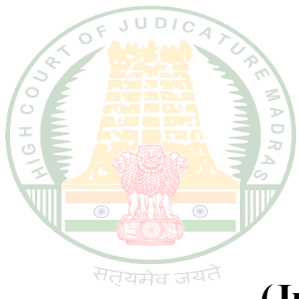
5.P.Balakrishnan

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 23.03.2020 made in W.P.(MD)No.24515 of 2019 on the file of this Court.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R3.
Mr.A.Sivaji for R4.
Mr.K.Prabhu for R5.



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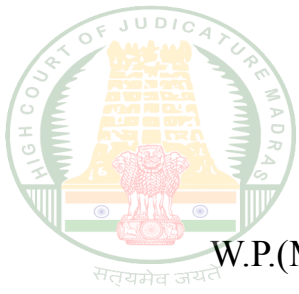
COMMON JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

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Heard both sides.

2.The petition mentioned property stood in the name of the Balakrishnan, the fifth respondent in W.P.(MD)No.24515 of 2019. He entered into lease with one Eniyabharathi on 12.03.2014 for a period of twenty years. Manthira Moorthy claimed that the property was sold in his favour by Balakrishnan on 08.04.2015. Whiles, Eniyabharathi, Balakrishnan and the District Collector, Tuticorin entered into a tripartite agreement and license was given to Eniyabharathi to mine minor minerals in the petition mentioned property. The said document had to be registered. Manthira Moorthy raised objection on the ground that since the property had been sold to him, the document cannot be registered. Manthira Moorthy's request was negated by District Collector, Tuticorin vide communications dated 25.01.2019 and 20.02.2019. Since the Sub Registrar, Kovilpatti declined to register the document, Eniyabharathi filed W.P.(MD)No.6617 of 2019 for registering the lease deed dated 15.02.2019. Likewise, Manthira Moorthy filed



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W.P.(MD)No.24515 of 2019 questioning the stand of the District Collector, Tuticorin. Both the writ petitions were disposed of by a common order dated 23.03.2020 in the following terms:-

“9. As per the above Section, the transfer is subject to all the liabilities of the lessor of the property. In that view of the matter, the second respondent is bound by the registered lease agreement executed by his predecessor. It is pertinent to note that the Encumbrance Certificate for a period between 01.03.2014 and 26.02.2019 clearly disclose that the lease agreement executed in favour of the writ petitioner. Thereafter, the subsequent transactions have been entered into. The second respondent has purchased the property only in the year 2015. Therefore, he cannot feign ignorance of the subsistence of the lease nor binding nature of Section 109 of the Transfer of Property Act, 1882. Therefore, the contention of the learned Senior Counsel for the second respondent that the lease deed executed by the District Collector is not enforceable is not legally sustainable. He can only demand the future premium, that too, subject to the result of civil litigations with respect to his title to the lands. Therefore, the writ petitioner is entitled to get the relief as prayed for. Accordingly, a direction is issued to the Sub Registrar, Kovilpatti, Tuticorin District to register the lease deed dated 15.02.2019 executed by the District Collector, Tuticorin and return the document to the petitioner forthwith.



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10. In the result, W.P.(MD) No.6617 of 2019 is allowed and W.P.(MD)No.24515 of 2019 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

Challenging the same, Manthira Moorthy filed these writ appeals.

3. When the writ appeals were taken up for hearing, it was submitted that Balakrishnan filed O.S.No.21 of 2016 on the file of the I Additional District Munsif Court, Tuticorin questioning the sale deed dated 08.04.2015 said to have been executed by him in favour of Manthira Moorthy. The suit was decreed on 02.07.2024. Aggrieved by the same, Manthira Moorthy filed A.S.(MD)No.355 of 2024 before this Court. Manthira Moorthy had not obtained interim order in his favour till date. So long as Manthira Moorthy has not obtained any order in his favour in respect of said sale deed in A.S.(MD)No.355 of 2024 pending before this Court, he may not have any *locus standi* to maintain these writ appeals. Based on the developments in A.S.(MD)No.355 of 2024, Manthira Moorthy can approach this Court once again.



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4.The writ appeals are dismissed as infructuous. No costs.

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Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.) & (M.J.R. J.)
13.02.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1.The District Collector,
Tuticorin.

2.The Assistant Director,
Geology and Mining,
Thoothukudi.

3.The Sub Registrar,
Kovipatti,
Tuticorin District.



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