

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.15649 of 2019**

Murugesan

... Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Periyakulam, Theni District.

2.The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar No.1,
Periakulam Post, Theni District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein not to entertain any document for registration or otherwise in respect of the property comprised in S.No.17/1,2,3,4,5 and S.No.27/1&2, Plot No.15 admeasuring 3-1/2 cents, Periyakulam Municipality, Theni vide document No.195/2016 on 03.02.2016 standing in the name of Monika lshwarya by considering the petitioner's representation dated 22.06.2019.

For Petitioner : Mr.K.Neelamegam

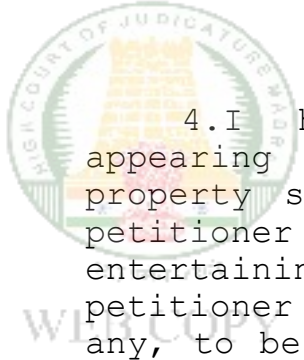
For Respondents : Mr.M.Murugan G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents herein not to entertain any document for registration or otherwise in respect of the property comprised in S.No.17/1,2,3,4,5 and S.No.27/1&2, Plot No.15 admeasuring 3-1/2 cents, Periyakulam Municipality, Theni vide document No.195/2016 on 03.02.2016 standing in the name of Monika lshwarya by considering the petitioner's representation dated 22.06.2019.

2.Heard Mr.K.Neelamegam, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner submits that the though land in question in S.No.17/1,2,3,4,5 and S.No.27/1&2, at Periyakulam Municipality, Theni, stands in the name of the wife of the petitioner, it was purchased by the petitioner and thereafter, it is claimed that the wife of the petitioner developed some illicit relationship with some third party, which result, it seems that, the petitioner and his wife is not living together and in that circumstances, the petitioner apprehends that the wife of the petitioner may exploit the property in question by creating a third party right. Only in that context, the present prayer has been sought for by the petitioner herein.



4.I have heard Mr.Murugan, learned Government Advocate appearing for the respondents, who would submit that since the property stands in the name of the wife of the petitioner, the petitioner cannot restrain the registering authorities from entertaining any such documents presented by the wife of the petitioner for exploiting the property and if the instrument, if any, to be submitted by the wife of the petitioner is otherwise in order, as per the registration Act, the registering authorities shall act upon.

5.The said stand taken by the learned Government Advocate appearing for the respondent is to be accepted as admittedly the property in question stands in the name of the wife of the petitioner and moreover, the petitioner has not impleaded the wife of the petitioner as one of the party respondent herein. Even though if she is impleaded as one of the party, the aforesaid stand taken by the official respondents would be taken by the wife of the petitioner also and at any rate, though the petitioner is having some objection with regard to the entertaining of any document to be submitted by the wife of the petitioner in respect of the property, which stand in her name, the present prayer sought for in this writ petition cannot be granted. However, it is open to the petitioner to establish his right by approaching the competent civil Court in an appropriate civil proceedings .

6.In that view of the matter, this writ petition fails and accordingly, the same is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Registrar,
Office of the District Registrar,
Periyakulam, Theni District.

2.The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar No.1,
Periakulam Post, Theni District.

+1 CC to Mr.K.NEELAMEGAM, Advocate SR-75252.

+1 CC to SPL GP SR-75717.

Order made in
W.P. (MD) No.15649 of 2019

Dated:

15.07.2019