



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7630 of 2020

and

W.M.P. (MD)No.7119 of 2020

P.Malliga

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Palayamkottai,
Tirunelveli,
Tirunelveli District.

2.The Joint Sub-Registrar No.I,
Sub-Registrar Office,
Palayamkottai,
Tirunelveli District,
Tirunelveli.

3.R.Rajaiah

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 particularly, the second respondent from registering any sale deed or creating any charge over the house property bearing Natham Survey No.160, New Survey No.474/2, situated at Thimmarajapuram Village, Palayamkottai Taluk, Tirunelveli District and now 12th Ward of Tirunelveli Corporation, bearing Door No.24, in which, new House Nos.24A, 24A1, 24A2 and 24A3 and agricultural properties bearing Ayan Punja Survey No.379/1, measuring to an extent of 1 Hectare, in which, 2 Acres 47 Cents situated at Alangulam Village, Tirunelveli District, now as Tenkasi District and Ayun Punja Survey Nos.711/2, 712/2 and 712/3, in which, Plot No.C at Sri Balaram Nagar, measuring to an extent of 1300 sq.ft. at Sivalarkulam Village, Alangulam Division, originally Tirunelveli District and now Tenkasi District, pending consideration of the petitioner's objection as submitted on 27.06.2020 forthwith.

For Petitioner

: Mr.J.Sankara Pandian

for Mr.S.Palani Velayutham



For R1 and R2

: Mr.V.Anand
Government Advocate**ORDER**

WEB COPY This Writ Petition has been filed seeking to forbear the respondents 1 and 2, particularly, the second respondent from registering any sale deed or creating any charge over the properties mentioned in the petitioner's representation dated 30.01.2020.

2. According to the petitioner, she made a representation dated 30.01.2020, to the second respondent not to encumber the properties mentioned therein, for the reason that, the petitioner and her husband viz., the third respondent herein, had jointly purchased the same from and out her income. Pursuant to the said representation, the second respondent directed the petitioner to appear for enquiry. The petitioner has also submitted her objection on 27.06.2020, vide Objection No.15 of 2020 and the same is pending consideration. While so, now, the third respondent is making serious attempts to sell the properties. Hence, the present Writ Petition.

3. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 and 2, relying upon the representation of the petitioner, has submitted that the properties in question stand in the name of her husband viz., the third respondent herein. If any dispute regarding the title of the properties arises, the only remedy available to the petitioner is to approach the appropriate Civil forum.

4. Considering the submissions made by the learned counsel appearing for the parties, this Court is of the view that already there is a dispute between the petitioner and her husband viz., the third respondent herein, regarding the title of the properties. The said fact has to be established only before the competent Civil Court. This Court cannot decide the title of the properties. Accordingly, this Writ Petition stands dismissed. No costs. It is for the petitioner to work out her remedy before the appropriate Civil forum in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

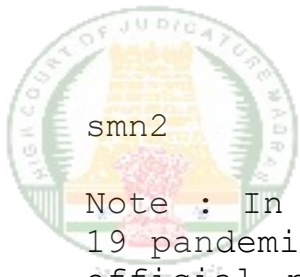
Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



smn2

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Registrar,
Department of Registration,
Palayamkottai,
Tirunelveli,
Tirunelveli District.
- 2.The Joint Sub-Registrar No.I,
Sub-Registrar Office,
Palayamkottai,
Tirunelveli District,
Tirunelveli.

W.P. (MD) No.7630 of 2020
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NS (CO)
TR(31.07.2020) 3P 3C