

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.6149 of 2021 and
W.M.P.No.6766 of 2021

R.Srinivasan

...Petitioner

-Vs-

1.The Sub-Registrar, Thiruvottiyur,
No.21/8, Market Street,
Kaladipettai, Thiruvottiyur,
Chennai 600 019.

2.Govindammal

3.Ananthi

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to defer from admitting and registering any document or documents, purportedly to have been executed by the petitioner's wife S.Thenmozhi, the mentally ill person, that would be presented for registration in respect of the properties alleged to be conveyed by her, pending adjudication and disposal of the petition in MHOP No.59 of 2018 on the file of the learned Addl.District Judge, Kancheepuram, filed under Sec.53 of the Mental Health Act, 1987 (Act 14 of 1987).

For Petitioner : Mr.C.P.Sivamohan

For Respondents : Mr.T.M.Pappiah, SGP for R1

ORDER

This Writ Petition is filed for a writ of Mandamus, to direct the first respondent to defer from admitting and registering any document or documents, purportedly to have been executed by the petitioner's wife S.Thenmozhi, the mentally ill person, that would be presented for registration in respect of the properties alleged to be conveyed by her, pending adjudication and disposal of the petition in MHOP No.59 of 2018 on the file of the learned Addl.District Judge, Kancheepuram, filed under Sec.53 of the Mental Health Act, 1987 (Act 14 of 1987).

2. The petitioner claims that his wife Thenmozhi has become mentally ill and also he filed a petition in M.H.O.P.No.59 of 2018, before the Principal District Court, Chengalpet.

3. The petitioner submits that his wife is now in the custody of the second and third respondents and he also apprehends that the second and third respondents may cause execution of sale agreement by his wife who is a mentally ill person. Therefore, he is before this Court.

4. Heard Mr.T.M.Pappiah, learned Special Government Pleader for the first respondent.

5. There are two parts to the petitioner's grievance:

- a) First, pertains to the alleged mental illness of his wife which has to be decided by the Principal District Court, Chengalpet, which is the competent Court to decide the issue;
- b) Second, is the apprehension that some documents executed by his wife might be registered by the Sub Registrar.

6. Since this Court is not in a position to make any statement as to the alleged mental condition of the petitioner's wife, it can only direct the Sub Registrar concerned not to register any document without satisfying himself on the mental disposition of the petitioner's wife Thenmozhi on an enquiry which may held under Section 34 of the Registration Act.

7. In the mean time, the petitioner is also advised to approach the Principal District Court, Chengalpet, where his petition in M.H.O.P. No.59 of 2018, is pending, for appropriate remedies.

8.The petitioner also informed that he has already moved necessary applications before the Court concerned. The Principal District Court, Chengalpet, is now required to dispose of the these applications submitted by the petitioner.

9.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsk

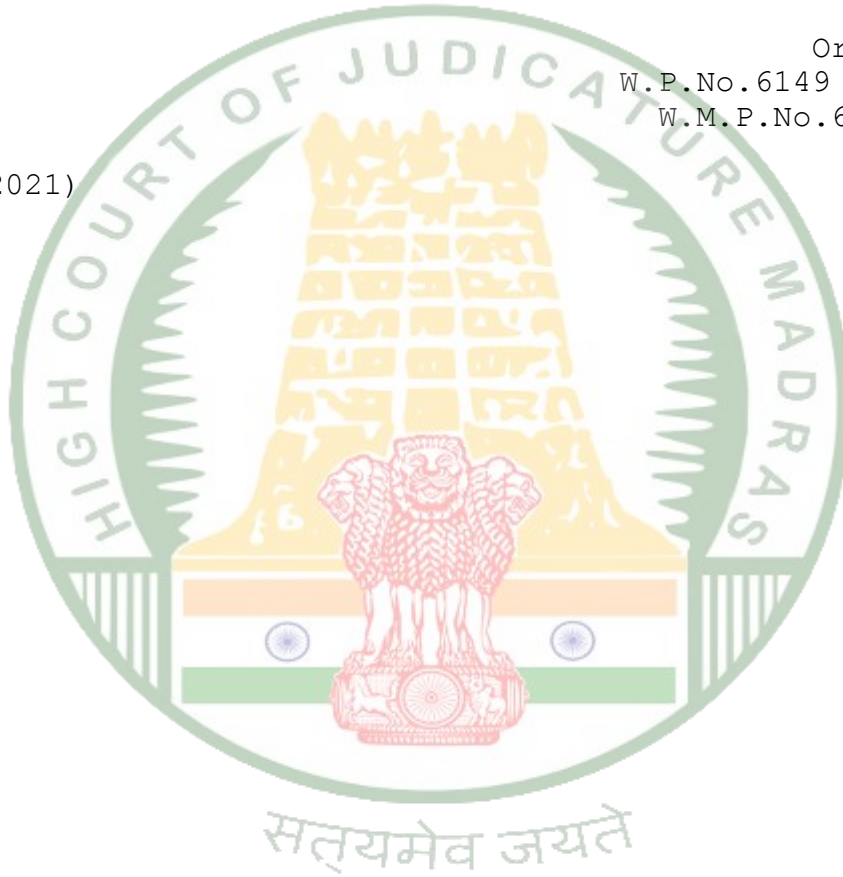
To

The Sub-Registrar, Thiruvottiyur,
No.21/8, Market Street,
Kaladipettai, Thiruvottiyur,
Chennai 600 019.

+2cc to Mr.C.P.Sivamohan, Advocate, S.R.No.16070
+1cc to the Government Pleader, S.R.No.16253

Order made in
W.P.No.6149 of 2021 and
W.M.P.No.6766 of 2021

PMK (CO)
CB (09/04/2021)



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