



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11104 of 2022

C.Kayalvizhi

... Petitioner

Vs.

1.The District Registrar,
Registration Office, Administration,
Office of the Registration, Nagercoil,
Kanyakumari @ Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Joint-1 Sub-Registration Office,
Kanyakumari @ Nagercoil,
Kanyakumari District.

3.Gangadharan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 02.05.2022 and to direct the respondents No.1 and 2 to take necessary action and to conduct fair enquiry by sufficient opportunity to the petitioner.

For Petitioner : Mr.A.S.Krishnan

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The petitioner is the wife of the third respondent. The petition mentioned property is said to have been purchased by pledging the petitioner's jewels. But then, the title stands only in the name of the third respondent. The petitioner and the third respondent are not under one roof. Though their marriage has not been dissolved, they are living separately. The petitioner claims that she is still residing in the petition mentioned house. She has



given an objection before the second respondent, so that the third respondent cannot present any document for registration. The petitioner wants this Court to direct the second respondent to pass orders on the said representation. I am afraid that the said relief cannot be granted. This is because the third respondent will not have any power to enquire into the matter. This is because the title is in the name of the third respondent. Of course the petitioner is not without remedy. She can move either the jurisdictional Civil Court or the Family Court or the jurisdictional Magistrate seeking relief under the provisions of the Protection of Women from Domestic Violence Act, 2005. Since the petitioner is said to be residing in the matrimonial home, she can very well get residence order. She can also ask for restraint order. If the petitioner files such a petition before the jurisdictional Court, the jurisdictional Court is directed to take the same on file immediately and give a disposal on merits and in accordance with law as early as possible.

3. With this liberty to the petitioner, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias
To:

1. The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
2. The District Registrar,
Registration Office, Administration,
Office of the Registration, Nagercoil,
Kanyakumari @ Nagercoil,
Kanyakumari District.
3. The Sub Registrar,
Joint-1 Sub-Registration Office,
Kanyakumari @ Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-25087[F] dated 10/06/2022)

W.P(MD)No.11104 of 2022
09.06.2022

nsn(CO)
TR(20.06.2022) 2P 5C

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