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W.P.(MD)NO.1056 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1056 of 2023 and
W.M.P.(MD)No.994 of 2023

T.Balathandayutham,
Rep. by his Special Power of Attorney,
Rajasekar.

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam, Chennai – 600 0028.
2. The Deputy Inspector General of Registration,
Registration Department Integrated Complex,
Near New Collectorate, Thanjavur 613 010.
3. The District Registrar,
District Registrar Office,
Thanjavur District, Thanjavur.
4. The Sub Registrar of Karunthattankudi,
Karunthattankudi, Thanjavur District.
5. B.Meenakshi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the proceedings of the fourth respondent in Na.Ka.No.193 of 2022 dated 09.01.2023 and to



quash the same and direct the fourth respondent to restore the protest petition dated 03.06.2021 given by the petitioner on the file of the fourth respondent, by allowing the above writ petition.

For Petitioner : Mr.G.Aravinthan

For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4.

2. The petitioner is none other than the spouse of the fifth respondent. The fifth respondent wanted to sell the petition mentioned property. In order to prevent her from doing so, the petitioner submitted objection petition before the registering authority. The objection petition filed by the petitioner was overruled. To that effect, the impugned order



was passed. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to quash the impugned order and grant the relief as prayed for.

4. I am not persuaded by the said submission. Rejection of the petitioner's protest petition will not furnish any cause action. More than anything else, the petitioner has filed a civil suit against the fifth respondent. It is now said to be pending before the Family Court, Madurai and renumbered. If the petitioner files any I.A. in the renumbered suit, the Family Court, Madurai, is directed to dispose of the same on merits and in accordance with law as expeditiously as possible. I make it clear that the petitioner's civil rights have not been gone into on merits.



5. Leaving open the other rights of the petitioner and with the aforesaid direction to the Family Court, Madurai, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

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5

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G.R.SWAMINATHAN,J.

PMU

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