



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD)No.27666 of 2022

K.Rangasamy

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Chettinayakanpatti,
Dindigul - 624 004.

2.The Sub Registrar,
Chatrapatti,
Dindigul District.

3.Pandeeswari

... Respondents

(R3 is suo motu impleaded vide
Court order dated 07.12.2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to conduct enquiry in order to cancel the fraudulent Documents in Document No. 2107 of 2022 dated 28.09.2022 and Document No.2298 of 2022 dated 28.10.2022 which was registered by the second respondent within the time stipulated by this Court based on the petitioner's representation dated 30.10.2022.



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For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.Shanmugavel,
Additional Government Pleader for R1 & R2

Mr.N.Ananthapadmanabhan for R3

ORDER

Heard the learned counsel on either side.

2.The petitioner is the father of one Omanduran. He got married to the third respondent. Through the marriage, two children were born. Omanduran passed away on 26.02.2022. The case of the petitioner is that his son Omanduran was murdered by Girivishnu (grandson). In this regard, Crime No.19 of 2022 on the file of the Chatrpatti Police Station, Dindigul District was registered. Final report has since been filed. Girivishnu was aged only 17 years during the relevant time. The impleaded respondent Pandeewari had also been made accused. Final report is yet to be filed as against R3.

3.The question that arises for consideration is whether the impleaded third respondent can deal with the property of Omanduran in the meanwhile. The learned counsel for the third respondent would state that final report is yet to be filed against R3. However, the fact remains that an accusation has been made against her by the petitioner



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that she is also a party to his son's murder. In these circumstances, Pandeewari will have to necessarily wait till her name is cleared. If Pandeewari is also made accused to face the trial for the murder charge, then, of course, she cannot alienate or encumber the property till the criminal court pronounces on her innocence or guilt. It is not in dispute that Omanduran had a daughter by name Sariga. She is a minor child and she is not in any way involved in the occurrence even according to the petitioner. Since she is only a minor, her share in the property cannot be alienated by the impleaded respondents unless the jurisdictional court grants permission. The first respondent will bear these aspects in mind and pass an appropriate order on the petitioner's representation dated 30.10.2022. Such an order will be passed after hearing the petitioner, the third respondent, other interested parties and also the purchasers of the properties, within a period of eight weeks from the date of receipt of copy of the order.

4.This writ petition is disposed of accordingly. No costs.

05.01.2023

Index : Yes / No
Internet : Yes/ No
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To:

1. The District Registrar,
District Registrar Office,
Chettinayakanpatti,
Dindigul - 624 004.
2. The Sub Registrar,
Chatrapatti,
Dindigul District.



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G.R.SWAMINATHAN, J.

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