



W.P(MD)No.26562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26562 of 2023

P.Selvakani

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
St.Marks Street, Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli-627 002.

2.The District Registrar,
Department of Registration,
Nagercoil, Kanyakumari District.

3.The Sub Registrar,
Kottaram,
Kanyakumari District.

4.C.Lingapandian

5.L.Kathiravan

6.V.Thangabai

7.G.Prabakaran

8.C.Rajendran

... 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 1st and 2nd to cancel the settlement deed in Doc.no.108/2023 dated 09.09.2022 on



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the file of the Sub Registrar, Kottaram, Kanyakumari District based on the petitioner's representation dated 15.09.2023.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R3.

2. The petitioner is the legally wedded wife of the fourth respondent. The fourth respondent is alleged to be in illicit intimacy with the sixth respondent. The 5th respondent was born through the said relationship between the fourth respondent and the sixth respondent. The fourth respondent had executed Document No.108 of 2023 on 09.09.2022 in favour of the fifth respondent settling the property in his favour. It was duly registered by the third respondent.

3. The grievance of the petitioner is that the parent deed is with her and that therefore, the registration of the settlement deed is vitiated. When the property stands in the name of the fourth respondent, nothing stops the fourth respondent from executing the settlement deed in favour of the fifth respondent.



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If according to the petitioner, the property could not have been alienated by the fourth respondent, she has to necessarily move the jurisdictional civil Court for relief. It is stated that the civil suit is pending between the petitioner on the one hand and the fourth respondent on the other. The petitioner can seek amendment of the suit prayer and impeach document No.108 of 2023 also.

4. Granting liberty to the writ petitioner to pursue her remedy in the pending civil suit, the writ petition is disposed of . I make it clear that I have not gone into the merits of the matter. No costs.

06.11.2023

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Deputy Inspector General of Registration,
St.Marks Street, Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli-627 002.
- 2.The District Registrar,
Department of Registration,
Nagercoil, Kanyakumari District.
- 3.The Sub Registrar,
Kottaram,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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