



W.P(MD)No.27555 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27555 of 2023

Meenakshi

... Petitioner

Vs.

1.The District Registrar,
O/o. District Registrar,
Madurai District.

2.The Sub Registrar,
Solavanthan Sub Registrar Office,
Solavanthan,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to allow the petitioner to register her sale deed regarding to Survey No.242/2A having an extent of 81 ½ cents situated in Solavanthan Village, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner got married to one Maheswaran and three children were born through the wedlock. Maheswaran passed away on 14.04.2021. Thereafter, partition took place among the legal heirs of Maheswaran. The partition deed was registered as Document No.1434/2022 on the file of the second respondent on 13.06.2022. The petitioner's case is that her husband had contracted debts. Since the creditors were exerting immense pressure, quite a few items had to be sold to clear the debts. Now the petitioner wants to sell one of the items allotted to the share of the minor daughter. When the sale deed was presented for registration before the second respondent, the second respondent declined to register the document on the ground that permission from the jurisdictional Civil Court has not been obtained. That led to the filing of this writ petition.

3.The case of the petitioner appears to be pathetic. But then, the petitioner will have to move the jurisdictional Civil Court for getting



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permission. The petitioner is permitted to file an appropriate O.P. before the concerned Court. As and when, it is filed, it shall be numbered immediately and taken on file. All the necessary formalities such as paper publication shall be carried out. The jurisdictional Civil Court will go into all the aspects and take a decision as to whether to permit the petitioner to sell the petition mentioned property. It is the trial Court that has to take a call in the matter. The only direction that I am granting is for time bound disposal of O.P to be filed by the petitioner. The learned counsel for the petitioner states that such O.P will be filed within a period of seven days from the date of receipt of a copy of this order. The O.P will be disposed within a period of three months thereafter.

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

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 23.11.2023.



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Registrar,
O/o. District Registrar,
Madurai District.
- 2.The Sub Registrar,
Solavanthan Sub Registrar Office,
Solavanthan,
Madurai District.

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