



W.P(MD)No.28541 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28541 of 2023

Karthika

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Kanyakumari District.

2.The Sub-Registrar,
Iranial Sub-Registrar Office,
Kanyakumari District.

3.The Sub-Registrar,
Thiruvattar Sub-Registrar Office,
Kanyakumari District.

... 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 2nd and 3rd Respondent to consider the petitioner's representation dated 07.11.2023 to registered the sale deed of S.F.No. 443/6 of Kulasekaram Special village, to an extent of 72 Sq.Ft and S.F.No. 237/2B Aalur Village, to an extent of 202.35 Sq.Ft., within stipulated time fixed by this Court.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.K.Balasubramani
Special Government Pleader



W.P(MD)No.28541 of 2023

ORDER

Heard both sides.

2. The petitioner claims that the petition mentioned property was purchased by her late husband Suresh Kumar. He passed away on 05.12.2020 leaving behind the petitioner and two minor children as the surviving legal heirs. The petitioner wants to alienate the property. The petitioner states that the registering authority has declined to register the document on the ground that for selling the property belonging to the minor, permission from the Court is required.

3. The learned Special Government Pleader informs the Court that the writ petition has been straight away filed even without approaching the registering authority. It is beyond dispute that the minor's interest is involved. Therefore, to sell such a property, permission from the civil Court is required. Of-course, the petitioner can sell her undivided share in the property. But for alienating the minor's share, permission from the Court is required. I therefore decline to entertain the writ petition. Liberty is given to the petitioner to move the jurisdictional civil Court for getting such permission. As and when such petition is filed, the same will be numbered immediately and disposed of on merits and in accordance with law within a period of six months thereafter. I make it clear that I have not gone into the merits of the matter. It is for the civil



W.P(MD)No.28541 of 2023

Court to take a call.

WEB COPY

4. With this observation and liberty, the writ petition is disposed of. No costs.

04.12.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

- 1.The District Registrar,
District Registrar Office,
Kanyakumari District.
- 2.The Sub-Registrar,
Iranial Sub-Registrar Office,
Kanyakumari District.
- 3.The Sub-Registrar,
Thiruvattar Sub-Registrar Office,
Kanyakumari District.



WEB COPY



W.P(MD)No.28541 of 2023

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.28541 of 2023

04.12.2023