



W.P.(MD)No.19038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19038 of 2024
and WMP(MD) Nos.16112 & 16115 of 2024

A.Tamilarasi

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Santhome,
Raja Annamalaipuram
Chennai-600028.

2. The District Registrar,
Registration Department, Karaikudi,
Sivagangai District.

3. The Sub Registrar,
Aranthangi,
Pudukkottai District.

4. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

5. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.



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6. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

7. Arafath

8. D.Gulam Kadar

9. Sasitha Banu

10. Jammen Banu

11. Nargis Banu

12. Sharmila Banu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus calling for the impugned final order passed by the 3rd respondent, dated 10.04.2024 in objection petition No.22 to 28/2024 and to quash the same and consequently direct the 3rd respondent not to receive and registered any document from the respondents 7 to 12 in any form.

For Petitioner : Mr. S.Veeranasamy

For Respondents : Mr.M.Siddharthan
Government Advocate



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ORDER

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This Writ Petition has been filed challenging the impugned final order passed by the 3rd respondent, dated 10.04.2024 in objection petition No.22 to 28/2024 and consequently to direct the 3rd respondent not to receive and register any document from the respondents 7 to 12.

2.Heard Mr.S.Veeranasamy, the learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Government Advocate appearing for the respondents. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The petitioner gave a protest petition to the Sub Registrar not to receive and register any document from the respondents 7 to 12, claiming to be ancestral property of the husband. She derived title from her husband. The case of the petitioner is that the petitioner has already married one Swaminathan in the year 1978. After deserting him, she came into the contact with one D.Alvi during the year 1995. Through first marriage, the petitioner has got three children and no



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children born to the petitioner and the said Alvi. However, she all along recognized as the wife of Alvi and all the documents shown that the petitioner is the wife of Alvi. After the death of petitioner's husband namely Alvi, his brother/ 7th respondent has obtained a Legal heir Certificate and trying to deal with the property. In this regard, the petitioner gave a protest petition before the 2nd respondent. However, the impugned order of has been passed without considering the report of the District Revenue Officer and the revenue records. However, it is the contention of the petitioner that the protest petition ought to be considered on merits and hence, this writ petition has been filed.

5.At the outset, the very pleadings in the writ petition ought to be established in the manner known to law. The petitioner is not the legally wedded wife of said Alvi. The first wife of Alvi is very much available. Whether the petitioner is the legally wedded wife, is a matter for evidence before the competent Civil Court. Merely on the basis of protest petition, the document cannot be refused to be registered. If the petitioner has any right, she can agitate the same before the competent civil Court.



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6.In view of the above discussion, there is no infirmity in the impugned order passed by the third respondent. Hence, this writ petition stands dismissed. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

07.08.2024

NCC : Yes/No

Index : Yes/No

PNM

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N.SATHISH KUMAR, J.

PNM

ORDER IN

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