



W.P.(MD)No.28241 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28241 of 2024

D.M.Thiyagarajan

...Petitioner

-Vs-

1.The District Registrar,
Tenkasi,
Tenkasi District.

2.The Sub-Registrar,
Kadayanallur Sub-Registrar Office,
Tenkasi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to make necessary entries in encumbrance document based on the Registration Doc.No.3.16/2020 on the file of the Kadayanallur Sub-Registrar, Tenkasi District.

For Petitioner : M/s.A.B.Jeeva

For Respondents : Mr.M.Sarangan
Additional Government Pleader



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ORDER

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This writ petition has been filed for a direction, directing the second respondent to make necessary entries in the encumbrance document with regard to the property comprised in survey No.255 situated at Kadayanallur, Tenkasi District.

2.The subject property originally belongs to the petitioner's father and he had executed a Will dated 22.06.2020 in favour of the minor grandson, namely, the petitioner's son. The petitioner's wife was appointed as guardian being a biological mother. Thereafter, the petitioner and his wife got separated by the judgment and decree passed in H.M.O.P.No.245 of 2021 on the file of the Additional Sub Court, Tenkasi. The children are living with his wife. That apart, the Will will be acted upon after demise of the executor as well as the step mother of the petitioner namely second wife of his father. Now the second wife of his father is also living along with grand children, namely, the beneficiaries in the Will.

3.The petitioner filed a suit in O.S.No.310 of 2022 on the file of the learned Principal District Munsif Court, Tenkasi not to alienate the subject property to the third party as against his wife until to attain the age of the majority of his son.



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4.It is settled law that the minor property cannot be sold without prior permission of the Court. That apart, even as per the Will, they have life interest on behalf of the petitioner's stepmother. Therefore, a representation submitted by the petitioner to make entries in the encumbrance does not require.

5.Therefore, the representation submitted by the petitioner cannot be considered and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

27.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1.The District Registrar,
Tenkasi,
Tenkasi District.

2.The Sub-Registrar,
Kadayanallur Sub-Registrar Office,
Tenkasi District.



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G.K.ILANTHIRAIYAN. J,

RJR

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