



W.P(MD)No.657 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.657 of 2025

and

WMP(MD)No.446 of 2025

Usharani

... Petitioner

VS.

1. The District Registrar,
Karaikudi, Sivagangai District.

2. The Sub Registrar,
Thiruppathur,
Sivagangai District

3. Tamilselvi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No. 2405/Aa1/2021 dated 02.12.2021 and the consequential refusal check slip issued by the 2nd respondent made in No. RFL/Thiruppathur - Karaikudi / 118/2024 dated 31.12.2024 and to quash the same as illegal, consequently, to direct the 2nd respondent to register the memorandum of deposit of title deeds dated 27.12.2024 presented for registration executed in favour of the Tamil Nadu Mercantile Bank, Thiruppathur Branch in respect of property measuring to an extent of 1308 sq. Feet and RCC office building constructed thereon comprised in Survey No. 365/22-part, new survey No.365/303B situated at No.14, Dr.Google Park Road, Thiruppathur, Sivagangai District, within a time frame.



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For Petitioner : Mr. T.Lenin Kumar
For R1 & R2 : Mr.D.Sasikumar
Additional Government Pleader
For R3 :Mr.S.Vanchinathan

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned order passed by the 1st respondent in his proceedings dated 02.12.2021 and the consequential refusal check slip issued by the 2nd respondent dated 31.12.2024 and consequently, to direct the 2nd respondent to register the memorandum of deposit of title deeds dated 27.12.2024.

2.The petitioner has submitted an application before the Sub Registrar claiming that the disputed property belongs to the 3rd respondent's husband namely, Ilavarasu @ Rajurajan. The 3rd respondent is the 1st wife of the said Ilavarasu. It is seen that the said Ilavarasu married Vijayalakshmi as 2nd wife and settled the property. The said Vijayalakshmi has received the property through settlement deed. The said Ilavarasu has already filed a suit in O.S.No.97 of 2021 on the file of the Principal District Court, Sivagangai and the same is pending. In the said suit the 3rd respondent Tamil Selvi is one of the parties. However, Tamilselvi has not filed a separate suit to restrain from disbursing the possession.



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3. Therefore, the 1st wife would be entitled to maintenance. If the maintenance had not been paid, the husband's property would have been attached. Such a right was not exercised by the 3rd respondent. However, the District Registrar cannot decide such a complicated issue.

4. Hence, the impugned orders are quashed. However, the petitioner being the subsequent purchaser from the said Ilavarasu, is restrained from dealing with the property for a period of three months from 10.11.2025. The 3rd respondent shall obtain injunction in the suit, if so advised. The registration of mortgage can be entertained only after a lapse of three months from 10.11.2025. However, the petitioner is restrained from selling the property for a period of three months from 10.11.2025. If the 3rd respondent fails to obtain any injunction within the above said period, the petitioner is at liberty to deal with the property.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

Index : Yes / No

Internet : Yes

Tmg

Note: Issue order copy on 10.11.2025.



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To

1. The District Registrar,
Karaikudi,
Sivagangai District
2. The Sub Registrar,
Thiruppathur,
Sivagangai District



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.657 of 2025**

DATED : 08.08.2025