



W.A.(MD) No.2740 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

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and

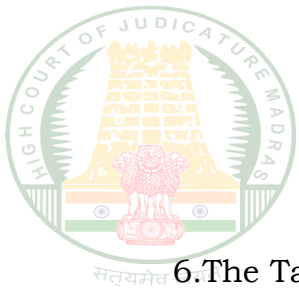
C.M.P.(MD) Nos.18894, 18896 of 2024 & 6149 of 2025

A.Tamilarasi

... Appellant

-VS-

- 1.The Inspector General of Registration
No.100, Santhome High Road
Pattinapakkam, Santhome
Raja Annamalaipuram
Chennai-600 028
- 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.Jameen Banu

11.Nargis Banu

12.Sharmila Banu

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 07.08.2024, passed in W.P.(MD) No.19038 of 2024, on the file of this Court.

For Appellant : Mr.S.Veeranasamy

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R6
Mr.G.Prabhu Rajadurai
for M/s.Ajmal Associates for R7, R8, R11 & R12
No appearance for R9 & R10

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The present writ appeal instituted under Clause 15 of Letters Patent is to assail the writ order dated 07.08.2024, passed in W.P.(MD) No. 19038 of 2024.



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2. The writ petitioner is the writ appellant herein.

3. The proceedings of the Sub Registrar, Aranthangi, dated 10.04.2024 rejecting the objection letter submitted by the appellant not to alienate the property belongs to her husband Alvi was challenged in the writ petition.

4. The Sub Registrar, while confirming the order of the Revenue Divisional Officer, dated 19.10.2023, rejected the objections submitted by the appellant seeking not to alienate the properties by the seventh respondent, who is none other than the blood brother of the deceased Alvi, who happens to be the husband of the appellant.

5. The Writ Court adjudicated the issues and dismissed the writ petition filed by the appellant mainly on the ground that merely based on the protest petition, the document, which is otherwise presented for registration by the presentant under the Registration Act, cannot be rejected. Further, the Writ Court found that the appellant is not the legally wedded wife of the said Alvi.



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6. In the context of the findings of the Writ Court, learned counsel for the appellant submitted that the Writ Court has erroneously formed an opinion that the first wife of Late.Alvi is very much alive. In fact, the appellant is the first wife of Late.Alvi.

7. Learned counsel appearing for the seventh respondent opposed the contention of the learned counsel for the appellant by stating that the Writ Court has mistakenly mentioned that the first wife of Alvi is alive, in fact, it is presented before the Court that the first husband of the appellant, namely, Swaminathan is very much alive. Therefore, the mistaken statement made before the Writ Court would not provide a cause for granting the relief as such sought for by the appellant in the writ proceedings.

8. This Court is of the considered view that the document presented by the presentant before the Sub Registrar under the Registration Act is to be registered by following the procedures as contemplated under the Act and Rules. However, the Registering Authority is empowered to refuse registration, if the document presented is not in consonance with the provisions of the Registration Act and Rules in force. But, the presentant of the document is entitled to know the reasons. In the present case, admittedly, the appellant submitted an objection letter to the Sub Registrar not to alienate the property of Late.Alvi by his brother / seventh respondent.



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9. At this juncture, learned counsel for the seventh respondent submitted that the marriage solemnized between the appellant and Late.Alvi is invalid. If at all any marriage is solemnized between them, it must be under the Special Marriage Act.

10. However, this Court is of the considered view that the said issue has not arisen at all in the present proceedings. The legal validity of the marriage between the appellant and Late.Alvi or their matrimonial status is to be adjudicated before the competent forum and not in the writ proceedings. The admitted facts remain that the appellant was originally married to one Swaminathan, who is alive. The said Swaminathan is said to have deserted the appellant. Thereafter, the appellant married the deceased Alvi.

11. Be that as it may, this Court, in exercise of the power of judicial review, need not adjudicate the matrimonial status between the parties. It is to be undertaken by the competent court of law by conducting a trial nature proceedings. Even regarding the property right between the parties, the same is also to be adjudicated before the competent forum / Civil Court, but not by the Writ Court under Article 226 of the Constitution of India. The Writ Court has rightly directed the parties to resolve the issues before the competent Civil Court. Thus, this Court do not find any infirmity in respect of the order passed by the Writ Court.



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12. Accordingly, this writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[G.A.M., J.]

12.08.2025

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

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To:

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Pattinapakkam, Santhome,
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