



W.P(MD)No.31574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.31574 of 2024

and

W.M.P(MD)Nos.26434 & 26435 of 2024

Anathi

... Petitioner

Vs

1.The Sub-Registrar,
Sub-Registrar Office, Kallikudi,
Kallikudi,
Madurai District.

2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

3.Tamilselvi

4.Aavadai

5.Ashok Kumar

6.Vanisri

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the first respondent from registering the documents relating with properties in S.No.75/14, 76/16, 77/12, 58/13, 47/1, 47/3, 47/4 and 47/8 situated in Nallamanayackenpatti Village, Thirumangalam Taluk, Madurai District by considering the petitioner's protest petition, dated, 18.11.2024 in Doc.No.PP/Kallikudi/69/2024.



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For Petitioner : Mr.S.Vellaichamy
For R1 : Mr.M.Sarangan
Additional Government Pleader
For R2 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed to forbear the first respondent from registering any documents related to the properties comprised in S.No.75/14, 76/16, 77/12, 58/13, 47/1, 47/3, 47/4 and 47/8 situated in Nallamanayackenpatti Village, Thirumangalam Taluk, Madurai District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner filed a suit in O.S.No.327 of 2009 on the file of the II Additional Sub-Court, Madurai for partition and obtained preliminary decree on 07.09.2010. As per the decree, the first plaintiff and the first defendant are entitled to get share over the suit property. Further, the first defendant was directed not to alienate his share in the suit properties in order to maintain the petitioner till her life time. The property comprised in S.No.75/14, 76/16, 77/12, 58/13, 47/1, 47/3, 47/4



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and 47/8 were allotted in favour of the first defendant. Therefore, during the petitioner's life time, the first defendant cannot alienate the properties, which were allotted in his favour. Thereafter, the petitioner's husband died on 25.05.2013 leaving behind the petitioner and her son and her mother-in-law. While being so, the respondents 3 to 6 claiming the subject property as if the petitioner's mother-in-law had executed the Will in their favour on 11.11.2013. In fact, her mother-in-law had no right to execute the Will in respect of the subject property in favour of the respondents 3 to 6 herein. However, the respondents 3 to 6 had obtained patta, in pursuant to the Will in respect of the subject property, in their favour. Now, they intended to sell the subject property to the third party. Therefore, the petitioner submitted an objections before the registering authority.

4. In view of the above, if any deed of conveyance is presented for registration in respect of the subject property by the respondents 3 to 6, the first respondent is directed to issue notice to the petitioner and conduct an enquiry and pass orders in accordance with law.



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5. With the above direction, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

21.01.2025

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

1. The Sub-Registrar,
Sub-Registrar Office, Kallikudi,
Kallikudi,
Madurai District.

2. The Inspector of Police,
Kallikudi Police Station,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
W.P(MD)No.31574 of 2024

21.01.2025