

In the High Court of Judicature at Madras

Date :: 11.09.2015

Coram :

The Hon'ble Mr. Justice T.S. Sivagnanam

Contempt Petition No: 1244 of 2015

N. Jayarama Reddy
No: 380/2 II Floor
V.P. Road, Madivala
Bangalore - 560 068. Petitioner

-vs-

Sri. M. Anbalagan
The Sub Registrar of Hosur
Hosur, Krishnagiri District. Respondent

Contempt petition under Section 11 of the Contempt of Courts
Act 1971 to punish the respondent herein for having committed
contempt of the order of this Hon'ble Court dated 23.01.2015 in
W.P. No: 26471 of 2014.

सत्यमेव जयते

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For petitioner :: Mr. V. Nicholas
For respondent :: Mr. R. Vijaykumar
Addl. Govt. Pleader

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ORDER

This Court heard the learned counsel on either side
elaborately. The respondent contemnor is also present in Court.

2. This Court pointed out to the learned Additional Government Pleader that while disposing of the writ petitions, this Court followed the earlier orders passed in W.P. Nos: 16649 of 2011, etc. batch dated 8.8.2011 and orders passed in W.P. No: 18976 of 2011 dated 17.8.2011. These writ petitions were disposed of by following an order passed by the Hon'ble First Bench of this Court in W.A. Nos: 358 of 2010 on 26.03.2010. Admittedly, those documents which were presented by those petitioners were registered and released by the Sub Registrar, Hosur. The only difference being the present incumbent was not the officer who registered the document. Curiously enough, now the respondent has passed an order on 18.03.2015. This stand could not have been taken by the respondent in the light of the earlier direction issued by this Court which were implemented by the respondent and documents were registered and returned. The stand taken by the respondent is sought to be justified on the ground that the Tahsildar has sent a communication on 03.09.2015 which was much after the order of this Court in this Contempt Petition dt.3.7.2015. Even assuming that the Tahsildar has stated that there is some issue regarding the title of the property, in my view, mere registration and return of a document cannot confer any title on the claimant to the document. This legal position is well settled that merely because a document has been registered and released ipso facto will not establish a title to the property which has to be established independently by other documents to show that the vendor of the property had a

valid and subsisting title. The Additional Government Pleader, on instructions, submit that the petitioners may be advised to re-submit the documents, which shall be considered by the respondents.

3. In the light of the above submissions, the office order passed by the respondent dated 18.03.2015 is set aside and the petitioner is permitted to re-submit the documents for registration, within a period of two weeks from the date of receipt of a copy of this order and on such submission, the respondents are directed to register and return the same at the earliest point of time. It is once again made clear that mere registration and release of the document will not confer any right on the claimant of the document. The contemnor is discharged and this contempt petition is closed.

Gp

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/07/10/2015

One CC to The Govt. Pleader Sr.No.11960

Two Ccs to Mr.V.Nicholas, Advocate Sr.No.11966

To

The Sub Registrar of Hosur,
Hosur, Krishnagiri District.