

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.70 of 2017

Date:13.6.2017

Between:

Shaik Dudekula Pyari Jan @ Lalbi,

W/o Late Ahmed Basha

..... Petitioner

And:

P.Madhusudhan Reddy,

The District Registrar,

Stamps and Registration Department,

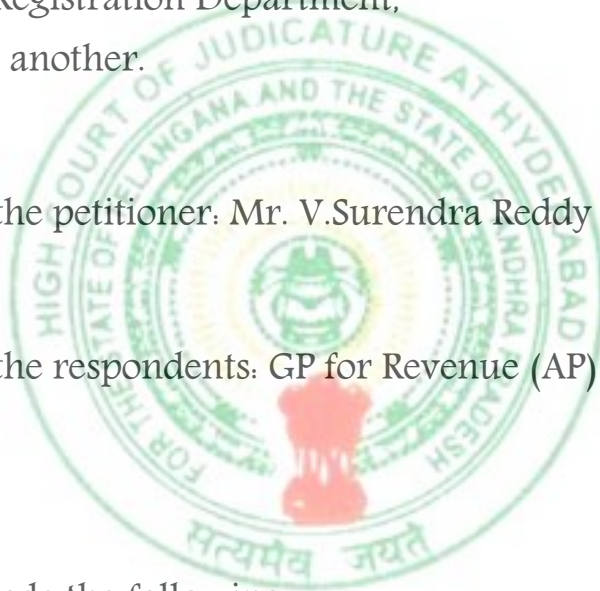
Chittoor and another.

.....Respondents

Counsel for the petitioner: Mr. V.Surendra Reddy

Counsel for the respondents: GP for Revenue (AP)

The Court made the following;



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ORDER.

The operative portion of the order, dated 04.12.2013, passed by this Court in WPMP.Nos.43673 and 43674 of 2013 in Writ Petition No.35138 of 2013, reads as under:

“In the facts and circumstances of the case and in view of the rival claims, I am of the opinion that it is proper to direct respondent Nos.3 and 4 not to entertain any document for registration in respect of the subject property situated in Survey Nos.1969/2, 1972, 1969/1B and 1971 of Doddipalli Village, Piler Mandal.”

Alleging that in spite of the directions issued to the respondents not to entertain any documents for registration in respect of the subject property, the respondents have entertained the documents for registration, this Contempt Case is filed.

Respondent No.1 filed counter-affidavit stating that he is not concerned with regard to the registration of the documents and he is only a Supervising authority and the competent authority is the officer of the Sub-Registrar cadre. However, with reference to registration of a particular document, the explanation of the Sub-Registrar was called for and appropriate steps were taken.

With reference to the allegation made by the petitioner, the second respondent in her counter-affidavit stated that the document which was registered on 27.5.2016 was only a Rectification deed to rectify the correct mention of the year in the link document. She further stated that as per the definition of 'instrument' under Section-2(14) of the Indian Stamp Act, 1899, the said document cannot be classified as an 'instrument'. However, the said document was subsequently cancelled by the parties themselves and the cancellation deed was registered on 02.11.2016. It is further asserted that two other documents presented for registration were refused and no other document was presented.

It is thus clear that except one rectification deed, no other transaction took place. The explanation given in para-3 of the counter-affidavit filed on behalf of respondent No.2 is accepted, by which, it cannot be said that the action of registering the Rectification deed was made willfully and deliberately in violation of the directions issued by this Court. More over, that position is now restored on account of the subsequent cancellation deed, dated 02.11.2016.

In view of the same, this Court is not inclined to initiate proceedings against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed.

JUSTICE P.NAVEEN RAO

13th June, 2017

DR

