

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cont P No.563 of 2020
and
Sub Appl. 278 of 2020, 280 of 2020 and 281 of 2020

1. K.Venkatesh
2. Tmt.Shanthi

..Petitioners in Contempt
Petition/ Sub Applications

Vs.

1. Tmt.Jothi Nirmalasamy
The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.
2. Mr.A.Suresh Kumar
The District Registrar,
Administration,
Office of the District Registrar,
State Bank Road,
Coimbatore 641 018.
(Respondents Nos.1 and 2 are deleted as per
orders of this Hon'ble Court dated 19.06.2020)
3. Mr.Karthikeyan
The Sub Registrar,
Office of the Sub RegistrarJoint II
Raja Street, Coimbatore – 641 001

4. Mrs.Sumithradevi

5. Mrs.Suganthi

6. Mrs.Suganya

7. Mrs.Sheela Rani

8. Mr.Prithiviraj

9. Mr.Balraj

10. Mr.Anil

11. Tahsildar,
Perur Taluk, Coimbatore

..Respondents in Contempt
Petition/ Sub Applications

Prayer:- Contempt petition filed under Section 11 of the Contempt of Court Act to punish the 3rd respondent for disobeying the order dated 09.03.2020 in WP No.6093 of 2020 passed by this Court.

Sub Application No.278 of 2020

Sub Application filed u/s 151 CPC, praying to restrain the 3rd respondent herein from registering any further Deed/Deeds in respect of the property comprised in S.F.No.332/1 having total extent of 0.28 ¼ acres at Komarapalayam Village, Perur Taluk, Coimbatore morefully described in the schedule attached to the petition either directly or indirectly by the 4th to 10th respondents or any person claiming through them or under them in any manner pursuant the rectification deed no.1740 of 2020.

Sub Application No.280 of 2020

Sub Application filed u/s 151 of CPC praying to direct the 1st to 3rd respondents delete the entry in the appropriate book and index maintained under the Registration Act the property at S.F.No.332/1 having total extent of 0.28 ¼ acres at Komarapalayam Village Perur Taluk, Coimbatore emanated out of documents registered in violation of Courts order pursuant to the rectification deed 1740/2020 pending disposal of the above Contempt Petition.

Sub Application No.281 of 2020

Sub Application filed u/s 151 CPC to grant an interim injunction restraining the respondents 4 to 10 in any manner interfering with the possession and enjoyment of the property claiming either directly or indirectly to the property at S.F.No.332/1 and 331/2A Kumarapalayam Village, Perur Taluk, Coimbatore District which is morefully described in schedule mentioned in the petition pursuant to the sale deed and Rectification deed 1740/2020 pending disposal of the above Contempt Petition.

For Petitioners : Mr. K.Moorthy

For Respondent : Mr.T.M.Pappiah
Special Government Pleader
for 3rd respondent

ORDER

This contempt petition has been filed on the ground that the respondents have violated the orders passed by this Court in the writ petition on 09.03.2020.

2.This Court while passing the order in the writ petition on 09.03.2020, had directed the Sub Registrar to consider the Protest Petition filed by the petitioners before entertaining any documents for registration from the private respondents. The grievance of the petitioners is that the Sub Registrar inspite of being aware of the orders passed by this Court, even without considering the objections given by the petitioners, has proceeded to register the rectification deed in D.No.1740/2020. This action on the part of the Sub Registrar was in violation of the orders passed by this Court in the writ petition.

3.The 3rd respondent has filed a counter affidavit in the contempt petition and the same is extracted hereunder:

2. I humbly submit that, I have not committed any act of contempt either knowingly or unknowingly with an

intention to disobey the orders passed by the Hon'ble Court and without prejudice to my contention. I submit my unconditional apology before the Hon'ble High Court. I have not intentionally disobeyed the orders of this Hon'ble Court and that I have the greatest respect for this Hon'ble Court to respect its order in all letter and spirits.

3. I humbly submit that, before receipt of the Hon'ble High Court order, I released and registered the pending document. So this respondent submit unconditional apology for registering the document before receiving the Hon'ble High Court order.

4. I humbly submit that, I will continue the enquiry (or) if the Hon'ble High Court appoints any other officer to conduct enquiry, I will obey and abide by the orders of the Hon'ble High Court passed in this regard.

5. Once again, I humbly submit my unconditional apology and further begs before the Hon'ble High Court to relieve me from the contempt petition if the Hon'ble High Court find faults in remote.

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4. The Respondents 4 to 10 have have been served with notice and they neither appeared in person nor through counsel. Their names have also been printed in the cause list.

5. Even when the notice was ordered in the contempt petition, this Court passed an interim order on 19.06.2020 to the effect that the concerned Tahsildar, who is the 11th respondent should not mutate the revenue records until further orders and the Sub Registrar should not register any further documents until further orders. This order was passed in Sub Application Nos.278 and 280 of 2020.

6. The 3rd respondent has taken a stand that the document was registered even before he received the orders passed by this Court in the writ petition. This stand taken by the 3rd respondent is vehemently denied by the learned counsel for the petitioners and the learned counsel for the petitioners submitted that the 3rd respondent was informed about the orders passed by this Court and in spite of the same, he proceeded to register the document. The learned counsel further submitted that the petitioners do not have confidence in the 3rd respondent and the Protest Petition must be considered by any other authority in the rank of District Registrar. The learned counsel further submitted that the rectification deed registered by the 3rd respondent is non-est in the eye of law, in view of the fact that it was registered in total violation of the orders passed by this Court.

7.Mr.T.MPappiah, learned Special Government Pleader appearing on behalf of the 3rd respondent submitted that the 3rd respondent has tendered an unconditional apology before this Court and this Court can direct any other authority to conduct the enquiry on the Protest Petition filed by the petitioners. The learned counsel further submitted that even though the document has been registered, it will be deemed to be a pending document till the enquiry is completed in the Protest Petition and orders are passed.

8.This Court has carefully considered the submissions made on either side and the materials available on record.

9.This Court does not want to go into the issue as to whether the 3rd respondent registered the document in spite of knowing about the orders passed by this Court or in ignorance of the orders passed by this Court. The fact that the document was registered in the teeth of the orders passed by this Court, makes the document non-est in the eye of law. Therefore, the rectification deed that was registered in D.No.1740/2020 is held to be null and void and non-est in the eye of law.

10.The petitioners have already submitted their objections/protest for registration of any document submitted by respondents 4 to 10. This Protest Petition shall be transferred to the file of the District Registrar, Coimbatore. The District Registrar, Coimbatore shall issue notice to the petitioners and respondents 4 and 10 and conduct an enquiry with regard to the objections made by the petitioners for the rectification deed sought to be registered by respondents 4 to 10. The District Registrar, shall pass final orders strictly in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such orders are passed by the District Registrar, the 3rd respondent shall not entertain any document submitted by respondent 4 to 10.

11.The interim orders passed by this Court on 19.06.2020, directing the Tahsildar, who is the 11th respondent in this contempt petition, not to mutate the revenue records shall continue till final orders are passed by the District Registrar on the Protest Petition filed by the petitioners.

12.The 3rd respondent is directed to take note of this order and make necessary entry in the Encumbrance Certificate, which will effectively

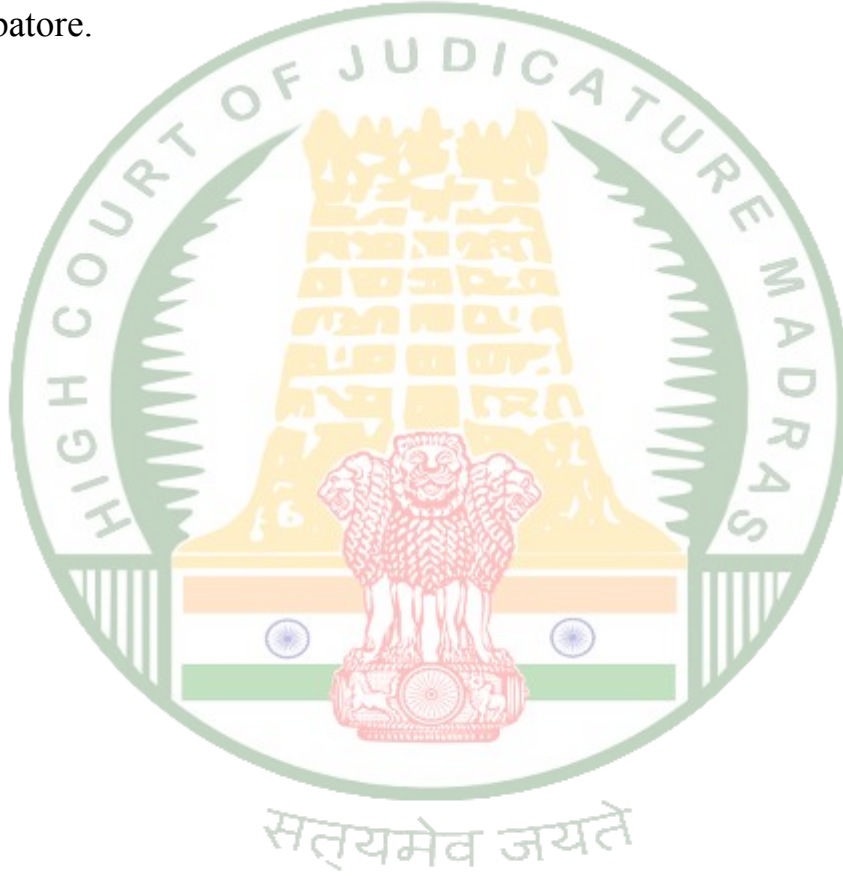
reverse the earlier entry made while registering the rectification deed in D.No.1740/2020.

13. This Contempt Petition is disposed of with the above directions. Consequently, the connected sub-applications are also closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)
RKA
//Certified to be true copy//
Dated at Madras this the day of 2020.
COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.
SMI/06/11/2020
To

1. Tmt.Jothi Nirmalasamy
The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.
2. Mr.A.Suresh Kumar
The District Registrar,
Administration,
Office of the District Registrar,
State Bank Road, Coimbatore 641 018.

3. Mr.Karthikeyan
The Sub Registrar,
Office of the Sub RegistrarJoint II
Raja Street, Coimbatore – 641 001
4. The Tahsildar,
Perur Taluk,
Coimbatore.



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