



WEB COPY

Cont.P.No.792 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Contempt Petition.No.792 of 2017

Rajesh Dhariwal
S/o.Amritylal Dhariwal,
No.73, West Jones Road,
Saidapet, Chennai – 15

.. Petitioner

Vs.

Mr.Senthilnathan
The Sub-Registrar,
Sriperumpudur,
Kancheepuram District.

.. Respondent

Prayer:Contempt petitions filed under section 11 of the Contempt of Courts Act to punish the respondent for willfully violating the orders of this Court in W.P.No.29980 of 2016 dated 17.10.2016.

For Petitioner : Mr.A.Ilaya Perumal
For Respondent : Mr.P.P.Purushothaman
Government Advocate

ORDER

The Petitioner in the contempt petition filed a writ petition in W.P.No.29980/2016 for issuing a Writ of Mandamus, directing the third respondent to release the sale deed dated 05.12.2007 registered as Doc.No.23810 of 2007.



2.This Court by order dated 17.10.2016 disposed of the writ petition in

W.P.No. 29980/2016, in the following lines :

"5.Considering the submissions of the learned counsel for the petitioner and in view of the judgements of this Court, the document registered in document No.23810 of 2007 dated 05.12.2007 may be released to the petitioner subject to the following conditions:-

(i) The Registering Authority while releasing the documents shall make necessary endorsement on the original documents to the effect that the proceedings under Section 47-A of the Act are pending.

(ii) The Registering authority shall make necessary entries in the register maintained regarding the pendency of 47-A proceedings in respect of the documents subject matter of the registration so as to reflect the same in the Encumbrance certificate for the benefit of the purchasers.

(iii).pending final decision in respect of the valuation under Section 47-A(i), as per Section 47-A(4) there shall be a charge over the properties in favour of the Government in respect of the unpaid value of the Stamp Duty.

(iv)After the entire proceedings under Section 47-A are completed, on production of the original documents by the petitioner, the Registering Authority shall make necessary endorsement removing the earlier endorsement clearly stating that



the entire amount of stamp duty under the documents have been paid in full and return the same.

(v). After such endorsement, the Registering Authority shall make necessary entry of the completion of 47-A proceedings in the register maintained by them so as to reflect the same in the encumbrance certificate.

6.with the above direction, this writ petition is disposed of."

3.This contempt petition is filed alleging wilful disobedience of the order passed in W.P.No.29980/2016 dated 17.10.2016.

4.The learned counsel for the petitioner states that non compliance of the order of this Court is the subject matter of the contempt. He further submitted that the Respondent filed a Writ Appeal in W.A.No.749 of 2017 challenging the order of W.P.No.29980/2016 dated 17.10.2016 and this Court has granted an interim stay. He further submitted that in view of the subsequent development and petitioner's willingness to pay the amount towards deficit stamp duty that is now determined by the IG of the Registration, this Court may close the contempt petition as infructuous.



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5. Recording the submission of the learned Government Advocate appearing for the respondent and the petitioner's counsel, this Contempt Petition is closed. No Costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/13/07/2021

To

The Sub-Registrar,
Sriperumpudur,
Kancheepuram District.