



Cont.P.(MD)No.876 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Cont.P.(MD)No.876 of 2022

in

W.P.(MD)No.2089 of 2022

Krishnamurthy

... Petitioner

Vs

Murugesan,
Sub Registrar,
Office of the Sub Registrar,
Kattuputhur,
Thottiyar Taluk,
Tiruchirappalli District.

...Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act,
to punish the contemnor/1st respondent for willful disobedience of the
order in W.P.(MD)No.2089 of 2022, dated 02.02.2022.



Cont.P.(MD)No.876 of 2022

For Petitioner : Mr.M.Kannan
For Respondent : Mr.J.K.Jayaseelan,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.Though there is a clear breach of the direction given by this Court, I am still inclined to close the contempt petition primarily because the petitioner's rights would stand fully protected in view of the doctrine of *lis pendens*. The petitioner had filed O.S.No.428 of 2021 on the file of the I Additional District Judge, Tiruchirappalli. After entering appearance, the defendants had alienated the property in question. Therefore, the purchaser is obviously bound by the outcome of the suit.

3.In this case on 02.02.2022, the following direction was given:-

“4.The relief sought for in the present writ petition is for a mandamus restraining the first respondent from registering and releasing any document of sale or encumbrance executed and presented by the fourth respondent. Such a direction cannot be given. However, the first respondent is under obligation, if at



Cont.P.(MD)No.876 of 2022

WEB COPY

all any document relating to Survey No.486/2A and UDR Patta No.512, Survey No.486/2A2 measuring 5.09 cents, situated at Nagaiyanallur Village, Thottiyam Taluk, Kattuputhur Sub Registration District, Tiruchirappalli Registration District, is presented for registration by the fourth respondent, then the first respondent should issue notice to the petitioner herein and if there is any protest, hear both the parties and take a concrete decision to register or not to register. It is only advisable for the petitioner herein places a protest petition before the first respondent in the aforesaid lines.”

4.The registration had taken place only on 03.02.2022. The order in the writ petition was passed only in the presence of the learned Government Counsel. Therefore, the registering authority must be deemed to have knowledge of the direction passed by this Court. The registering authority was shown as the first respondent in the writ petition. He cannot be heard to say that the order copy had not been received. In normal circumstances, I would have taken a serious view of the matter. Only in view of the pendency of the aforesaid suit, the contempt petition is closed.



Cont.P.(MD)No.876 of 2022

WEB COPY

5.The learned Government Pleader attached to the Madurai Bench of Madras High Court is directed to ensure that communications are sent to the concerned department/officials immediately upon coming to know of the direction given by this Court. The authorities also must be duly sensitized. They cannot take umbrage under the fact that they have not received the order copy.

6.With this observation, this contempt petition is closed. The petitioner is also given liberty to move the jurisdictional civil Court for appropriate relief.

13.07.2022

Index : Yes/No
Internet : Yes/No
ias

To:

The Sub Registrar,
Office of the Sub Registrar,
Kattuputhur,
Thottiyar Taluk,
Tiruchirappalli District.



WEB COPY



Cont.P.(MD)No.876 of 2022



WEB COPY



Cont.P.(MD)No.876 of 2022

G.R.SWAMINATHAN, J.

ias

Cont.P.(MD)No.876 of 2022
in
W.P.(MD)No.2089 of 2022

13.07.2022