



Cont.P.No.515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 26.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

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M/s.Shri Ram Infra,
Represented by its Partner,
Mr.Rajasekar. R,
No.43/B, Gandhi Nagar, Marakkanam Road,
Tindivanam, Villupuram District,
Tamil Nadu-604 002.

... Petitioner

vs.

B/Kamesh
Sub Registrar,
SRO Marakkanam
Villupuram District,
Tamil Nadu-604 303.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, pleased to punish the respondent for willful disobedience of the order of this Court dated 19.12.2022 passed in Comp.A.No.249 of 2022 in C.P.No.57 of 1998.

For Petitioner : Mr.Rohan Rajasekaran

For Respondent : Mr.Edwin Prabakar,
Special Govt. Pleader, assisted by
Mr.R.Siddharth, Govt. Advocate



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ORDER

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2. By the said order, the Sub Registrar, Joint II, Tindivanam, Villupuram District and the Sub Registrar, Marakkanam, Villupuram District, were directed to register the sale certificate in Book-1 as per Section 89 of the Registration Act, 1908 (the Registration Act).

3. Learned counsel for the contempt petitioner submits that the Sub Registrar, Tindivanam complied with the above order but the Sub Registrar, Marakkanam, did not, in spite of issuance of a notice dated 13.01.2023.

4. Mr.Edwin Prabakar, learned Special Government Pleader, appears for the alleged contemnor. He submits that Section 89(4) of the Registration Act requires the registering officer to file a copy of a sale certificate issued by a revenue officer in Book 1. By referring to several judgments, including



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the judgments in *In Re Official Liquidator, High Court, Madras, 2010-2-L.W.113, Dr.R.Thiagarajan v. Inspector General of Registration and others, 2019 SCC Online Mad 9085, Esjaypee Impex Private Ltd. v. AGM, (2021) 11 SCC 537, and The Sub Registrar, Neelangarai and Others v. Tripower Enterprises, MANU/TN/6621/2022*, he submits that the Official Liquidator does not qualify as a revenue officer in terms of Section 89(4) of the Registration Act. He also submits that the Registration Act and the Indian Stamp Act 1899 (the Stamp Act) operate in related but distinct fields. Consequently, he submits that the registering officer is entitled to impound an insufficiently stamped instrument in terms of Section 33 and related provisions of the Stamp Act. By pointing out that the State reserves its right to canvass these propositions in appropriate proceedings, he states that the sale certificate would be filed in Book 1.

5. The scope of contempt jurisdiction is limited to adjudicating whether the relevant order was disobeyed and, if so, whether such disobedience was wilful. Therefore, the adjudication of questions relating to the applicability of stamp duty and the like are outside the scope of these proceedings.



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6. Learned Special Government Pleader has submitted that the sale certificate would be filed in Book 1, in compliance with the order, subject to the right of the State to canvass the above mentioned propositions in appropriate proceedings. The filing of the sale certificate in Book 1 shall be done within a maximum period of three weeks from the date of receipt of a copy of this order. By recording the said submissions, this contempt petition is closed.

26.04.2023

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SENTHILKUMAR RAMAMOORTHY, J

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