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Contempt Petition No.672 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.672 of 2023

S.Ranjithkumar

... Petitioner

Vs.

Mrs.Rajeshwari
The Sub Registrar,
Kinathukadavu,
Coimbatore District.

... Respondent

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act praying to punish the respondent for willfully disobeying and violating the orders of this Hon'ble Court dated 19.09.2022 made in W.P.No.25140 of 2022 in spite of them having been notified of the said order.

For Petitioner : Mr.I.Abrar Mohamed Abdullah
For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

This contempt petition is filed alleging willful disobedience of the order dated 19.09.2022 made in W.P.No.25140 of 2022.

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2.The learned counsel appearing for the petitioner submitted that the petitioner purchased the property by way of sale certificate and the sale certificate when presented for registration, was rejected by the respondent on the ground that the petitioner has to pay necessary stamp duty and registration charges. Challenging the same, the petitioner filed W.P.No.25140 of 2022 before this Court and this Court vide order dated 19.09.2022 allowed the said writ petition and directed the respondent to enter the sale certificate in Book I as per Section 89 (4) of the Registration Act. Since the said order was not complied with, the petitioner has filed this contempt petition.

3.Pursuant to the statutory notice ordered on 24.03.2023, the respondent/contemnor, appeared before this Court today (28.04.2023) and submitted that in compliance of the order of this Court dated 19.09.2022, they passed order on 09.11.2022, however, it was erroneous. Hence, the same was withdrawn. Thereafter, they entered the sale certificate in Book I in terms of Section 89 (4) of the Registration Act.



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4.The learned Additional Government Pleader appearing for the respondent submitted that the petitioner's sale certificate reflects encumbrance and pursuant to the entry in the 'M Book', the encumbrance is also reflected in the website of the respondent.

5.On 21.04.2023, when the contempt petition was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner filed dummy token to the respondent after the respondent passed the erroneous order and again the respondent demanded stamp duty for the earlier transaction. Hence, this Court instructed the respondent to produce the 'M Book' and adjourned the matter to 28.04.2023 for production of Book No.1.

6.Today (28.04.2023), the respondent/contemnor produced the 'M Book' for the perusal of this Court. In the 'M Book' sale certificate of the petitioner is annexed and numbered as MO/BK1/22 dated 14.10.2022.

7.In view of the above, there is no willful disobedience and this



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M.DHANDAPANI,J.
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Contempt Petition is closed. However, if any refusal check slip is issued by the respondent subsequently, the petitioner is at liberty to challenge the same in accordance with law.

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Speaking Order/ Non Speaking Order
Index: Yes/No
Internet: Yes/ No

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