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Contempt Petition No. 952 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 952 of 2020

K.R.Shaligram

... Petitioner

-VS-

Mr. Nagarajan,
Sub Registrar Office,
Neelangarai,
72, 2nd Street,
Neelangarai,
Chennai – 600 041.

... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent for having committed contempt by disobeying the orders of this Court dated 17.07.2019 passed in W.M.P. No. 20196 of 2019 arising in W.P. No. 21010 of 2019.

For Petitioner : Mr. J.Balachander

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader

ORDER

Heard Mr. J.Balachander, Learned Counsel for the Petitioner and
Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the



Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition has been filed alleging violation of the interim order dated 17.07.2019 in W.M.P. No. 20196 of 2019 in W.P. No. 21010 of 2019 passed by the Court, which reads as follows:-

“3. Having regard to the nature of dispute between the parties, any form of alienation or creation of encumbrance or third party interest or parting with possession of the property shall not be made either by the Petitioner or the Second to Seventh Respondents without the prior permission of this Court, till the next hearing.”

According to the Petitioner, despite the aforesaid order passed on 17.07.2019, settlement deed dated 13.12.2019 bearing Document No. 10559 of 2019 has been registered by the Respondent.

3. In response, the Respondent has filed affidavit dated 27.11.2023 stating as follows:-

“4. I humbly submit that I was discharging duties as incharge of Sub-Registrar, Neelankarai, Chennai from 14.10.2019 to



14.02.2020. I submit that the order dated 17.07.2019 of this

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Hon'ble Court seems to have been served upon the Sub Registrar – Neelankarai on 20.09.2019 (The same is inferred through Petitioner's Representation) i.e., prior to the date of taking charge as Incharge.

5. I most humbly submit that my predecessor has received the order on 20.09.2019 and has failed to make entries in the records such as Guideline Register, and Index – II. I most humbly state that when the Settlement Deed was presented for registration on 13.12.2019, the records failed to disclose the order of this Hon'ble Court and inadvertently the Settlement Deed was registered as Document No. 10559/2019.

6. Also, it is humbly submitted that no entry relating to the aforesaid order of this Hon'ble Court was made in the Index-II of SRO Neelankarai by my predecessor. I reverently submit that I was unaware of the aforesaid interim order of this Hon'ble Court, which led me to register the Settlement Deed in question. Hence, the registration of the settlement deed No. 10559/2019 in question by me is neither willful nor wanton.

7. I most respectfully submit that on receipt of the Affidavit



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relating to this Contempt Petition, the present Sub Registrar has made entry of the order of this Hon'ble Court dated 17.07.2019 made in W.M.P. No. 20196 of 2019 in W.P. No. 21010 of 2019 in Index-II as No. 4/2021 only on 20.01.2021 so as to reflect the said entry in the encumbrance certificate and to prevent registration of further documents in respect of this property.

8. *Further, it is pertinent to submit that aggrieved against the registration of the Settlement Deed No. 10559/2019, one Mr. Jugaram S/o. Dallaram has given a complaint to the District Registrar (Administration) stating that he is claiming ownership over the subject property by means of Sale deed registered as Document No. 849/1974 and hence he has prayed to declare the aforesaid Settlement Deed No. 10559/2019 as fraudulent document. It is submitted that after conducting a detailed enquiry the District Registrar, Chennai South in Proceedings No. 212/C2/2020 dated 27.08.2021 passed orders by holding that both the documents namely i) 849/1974 and 10559/2019 as fraudulent documents and that no further registration of documents can be entertained on the strength of these two documents. Therefore, it is submitted that the Settlement Deed*



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No. 10559/2019, of which registration is challenged by the Petitioner in this Contempt Petition, has already been declared as a “fraudulent document” by the District Registrar (Administration) Chennai South in the orders bearing Reference No. 212/C2/2020 dated 27.08.2021 and hence it is submitted that the prayer of the Petitioner had become infructuous. A copy of the aforesaid order dated 27.08.2021 passed by District Registrar (Administration) Chennai South is submitted in Typed Set for kind perusal.”

In view of the aforesaid measures taken by the Respondent to rectify the violation of the order dated 17.07.2019 in W.M.P. No. 20196 of 2019 in W.P. No. 21010 of 2019, passed by the Court, it would not be necessary to pursue the contempt proceedings any further. Unconditional apology tendered by the Respondent is accepted and he stands discharged.

In the result, the Contempt Petition is closed with the aforesaid observations. No costs.

29.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.02.2024.



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P.D. AUDIKESAVALU, J.

vjt

To

The Sub-Registrar,
Sub-Registrar Office,
Neelangarai,
72, 2nd Street,
Neelangarai,
Chennai – 600 041.

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