



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1942 of 2023

Mr.Saravanan

... Petitioner

Vs.

Mr.Chinnasamy (In-charge),
The Sub Registrar,
Office of the Sub Registrar,
Gudiyatham,
Vellore District.

... Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act to punish the respondent for his willful disobedience to comply with the order of this Court dated 06.04.2023 made in WP No.2411 of 2023.

For Petitioner

: Mr.S.Arivazhagan

For Respondent

: Mr.G.Krishna Raja,
Additional Government Pleader.



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ORDER

The present Contempt Petition has been filed to punish the respondent for his willful disobedience of the orders passed by this Court in WP No.2411 of 2023 dated 06.04.2023 and this Court passed the following order:-

“Accordingly, the petitioner is called upon to produce copies of his patta dated 29.04.1994 as well as the parent deed dated 23.04.1980 together with the partition deed, which is said to be registered and on receipt of such documents, accompanying the partition deed, the respondent herein, shall forthwith register the said document, if it is otherwise in order, within a period of four weeks therefrom.”

2. Today i.e., on 19.09.2023, the Assistant, In-charge of Sub Registrar Mr.D.Chinnasamy appeared in person before this Court and made a submission that the petitioner presented the document for registration. Since title document and the patta had not been produced for verification, as required under the provisions of the Registration Rules, the Sub Registrar,



Gudiyatham issued Refusal Check Slip.

3. The petitioner approached this Court by way of filing a Writ Petition in WP No.2411 of 2023 to quash the Refusal Check Slip dated 23.07.2022 and directed the respondent to register and release the Partition Deed dated 01.06.2022. This Court passed an order permitting the petitioner to submit the title document and patta and on such production, the Sub Registrar, Gudiyatham was directed to register the document.

4. Mr.D.Chinnasamy, the Assistant, In-charge Sub Registrar, Gudiyatham made a submission that the document present was entered as Online document and such documents are to be taken back by the presentant and it is to be re-presented for the purpose of registration. However, the parties have not taken back the document nor re-presented the same, enabling the Sub Registrar, Gudiyatham to register the document.

5. It is brought to the notice of this Court that some dispute existed between the parties in registering the Partition Deed during the pendency of the document on the file of the Sub Registrar, Gudiyatham.



6. The petitioner has unnecessarily filed the present Contempt Petition against the respondent. The petitioner himself has not taken back the document, which was returned for want of compliance. While-so, the contempt does not arise at all. Instead of taking back the document and re-present the same by complying with the defects, the petitioner has chosen to file the present Contempt Petition, which caused inconvenience to the Public Officials, who in turn is present before this Court, travelling from a far off place.

7. The respondent is unable to comply with the order by registering the document presented by the petitioner. Since the petitioner failed to get back the returned document from the Office of the Sub Registrar, Gudiyatham and re-present the same by complying with the defects. The respondent is unnecessarily made to suffer by travelling from a far off place to attend the Court during the hearing of the present Contempt Petition.



8. Since the respondent was unnecessarily be dragged on to this

Court in the present contempt proceedings, the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Mr.D.Chinnasamy, Assistant, In-charge Sub Registrar, Gudiyatham, Vellore District. The said cost amount of Rs.2,000/- is directed to be paid to the credit of Google Pay Account of Mr.D.Chinnasamy, Assistant, In-charge Sub Registrar, Gudiyatham, Vellore District, Cell No.9047884953 towards travelling expenses incurred by him, within a period of one week from today. Since this Court has awarded cost towards travelling expenses, the said Mr.D.Chinnasamy, Assistant, In-charge Sub Registrar, Gudiyatham, Vellore District is not entitled to claim any further travelling allowance from the Government Accounts.

9. Accordingly, the present Contempt Petition stands dismissed with costs.

19-09-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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Contempt Petition No.1942 of 2

S.M.SUBRAMANIAM, J.

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To

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Mr.Chinnasamy (In-charge),
The Sub Registrar,
Office of the Sub Registrar,
Gudiyatham,
Vellore District.

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