



WEB COPY



W.P. Nos.18659 & 18660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P. Nos.18659 & 18660 of 2024

Kaviyarasu

T.Shanmugam

.. Petitioner in

W.P. No.18659/2024

.. Petitioner in

W.P. No.18660/2024

Vs.

The Joint Sub Registrar No.1

(District Registrar Cadre)

Office of Sub Registrar

Chennimalai Road

Rangampalayam, Erode - 638 009

.. Respondent in both WPs

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the Slip No.P/Joint I Sub Registrar Erode/78/2024 and No.P/Joint I Sub Registrar Erode/79/2024 issued by the respondent herein dated 20.06.2024 and further direct the respondent herein to register the sale deed and the settlement deed dated 15.04.2024.

For Petitioner in : Mr.K.Vasanthanayagan
both WPs

For Respondent in : Mr.M.Shajahan
both WPs Spl. Govt. Pleader

COMMON ORDER



W.P. Nos.18659 & 18660 of 2024

WEB COPY

Challenge has been made to the impugned orders of the respondent in Slip No.P/Joint I Sub Registrar Erode/78/2024 and No.P/Joint I Sub Registrar Erode/79/2024 dated 20.06.2024 refusing to register the sale deed and settlement deed presented by the petitioner.

2. It is the case of the writ petitioner that his grandmother Valliammal had executed a will in respect of her absolute property in favour of the petitioner and one Kaviyarasu on 19.09.2022. Thereafter, after the death of petitioner's mother, a settlement deed has been executed on 15.04.2024 and when the document was presented for registration, a refusal order has been passed by the respondent. Challenging the same, the petitioner has preferred a writ petition in W.P. No.13090/2024. Thereafter, a sale deed was also executed on 15.04.2024 and it was also refused to be registered. The same was challenged in W.P. No.13091/2024. Both the documents have not been registered on the ground that the Will has not been probated. This court, by a common order dated 08.05.2024, set aside the impugned check slips dated 15.04.2024 and directed the respondent to proceed with the registration of the documents, if they are otherwise in order.

3. Even after the common order of this court, when the sale deed and the



W.P. Nos.18659 & 18660 of 2024

settlement deed have been presented for registration before the respondent, the same were refused to be registered on the ground that the documents have been kept as pending documents, as the enquiry with regard to the Will is pending. Challenging the same, these two writ petitions have been filed.

4. Mr.M.Shajahan, learned Special Government Pleader takes notice on behalf of the respondent and made his submissions. Heard both sides and perused the materials available on record.

5. At the outset, the very order passed by the respondent itself clearly indicates the non-application of mind on the part of the respondent and absolute disrespect to the orders of this court, when the court has already held in W.P. Nos.13090 and 13091 of 2024 that there is no requirement to probate the Will, executed outside the metropolitan city. Still refusing to register the documents is nothing but clear disobedience of the order of this court. On that ground alone both the orders stand quashed.

6. However, considering the fact that still the documents have not been registered on the ground that still enquiry is required as to the Will, this court is of the view that the attitude of the respondent is nothing but a clear case of



W.P. Nos.18659 & 18660 of 2024

contempt and the very orders passed despite the direction of this court, clearly indicates that such order is nothing but a disrespect and disobedience of the order of this court. Hence this court is inclined to take contempt proceedings against the respondent. Therefore, the respondent, namely the Joint Sub Registrar No.1 (District Registrar Cadre), Office of the Sub Registrar, Chennimalai Road, Rangampalayam, Erode - 638 009, is directed to appear before this court, to show cause as to why he should not be punished for disobeying the orders of this court. Post the matter for the appearance of the respondent on 31.07.2024. In the meanwhile, the documents shall be registered.

7. With the above direction to the respondent, these writ petitions are disposed of. The respondent is directed to appear in person on 31.07.2024. No costs.

16.07.2024

Asr
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To:
<https://www.mhc.tn.gov.in/judis>



W.P. Nos.18659 & 18660 of 2024

1.The Joint Sub Registrar No.1
(District Registrar Cadre)
Office of Sub Registrar
Chennimalai Road
Rangampalayam, Erode - 638 009

2.The Government Pleader
High Court, Madras

N. SATHISH KUMAR, J.

Asr



WEB COPY



W.P. Nos.18659 & 18660 of 2024

W.P. Nos.18659 & 18660 of 2024

16.07.2024