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Suo Motu Cont.P.No.1905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Suo Motu Cont.P.No.1905 of 2024
in W.P.No.26496 of 2023

High Court of Madras
Madras – 600 104

.. Petitioner

Versus

1.D.Sasikumar

2.S.Balamurugan
Sub Registrar (In Charge)
(Under Suspension)
Sub Registrar Office
Thiruvarur

.. Respondents/Contemnors

Suo Motu Civil Contempt Proceedings initiated against the contemnors
herein as per the order dated 05.07.2024 made in W.P.No.26496 of 2023.

For Respondents : Mr.B.Manimaran for R1

Mr.A.Navaneetha Krishnan, Senior Counsel
for Mr.Pandi Thennavan for R2

ORDER

Contemnors are present before this Court. The above writ petition is
originally filed by the petitioner challenging the order of the District Revenue



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Officer, Thiruvarur District changing the revenue records in favour of the fourth respondent in the writ petition / contemnor No.1. During the hearing, it is brought to the notice of the Court that the document relying upon by the fourth respondent in Doc.No.2935/1974 is fabricated and produced only before the revenue authorities.

2. The fabrication has been fortified by the very action of the contemnor No.1 by filing a suit in the year 2018 in O.S.No.115 of 2018 claiming rights over the immovable properties on the basis of a mere agreement for sale. Whereas, in the later revenue proceedings, he has produced the document as if there was a sale deed executed and registered in the year 1974. Findings those discrepancies, this Court, by order dated 02.04.2024 has directed the Contemnor 2/Sub Registrar, Thiruvarur to produce the certified copy and also by Order dated 08.04.2024 directed the Inspector General of Registration to conduct an enquiry and file a report.

3. The Inspector General of Registration after conducting enquiry filed a report before this Court holding that the document No.2935/1974 originally registered as a mortgage deed has been tampered in the Book I maintained in the office. On enquiry, it is found that the mortgage deed has been tampered as



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a sale deed in copy of sheets maintained in the Book-I. It is also be noted that during digitization of the records in the year 2018, the mortgage deed has been scanned and uploaded in the digitization portal with the related QR Code that has been established before the Court.

4. The private respondent has filed a suit in O.S.No.115 of 2018. At the relevant point of time also, the tampering has not been done since he has relied only upon the agreement of sale in the Civil Court. Only before the revenue authorities, that too, before the District Revenue Officer, the certified copy of the so-called sale deed of the year 1974 is produced. The order of the District Revenue Officer has come to be passed on 25.07.2023. These facts clearly shows that only for the purpose of the getting favourable orders, the document has been tampered. The Contemnor No.2/Sub Registrar, Thiruvarur has also produced a certified copy before this Court supporting the private respondent as if the document was the sale deed. The Order of this Court dated 25.04.2024 in the writ petition reads as follows:

“In pursuance of the directions of this Court, a report has been filed by the Inspector General of Registration. The same indicates that the original document registered as Document No.2935 of 1974 before the Sub Registrar has been tampered and a new document details has been overwritten. And



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the mortgage deed has been tampered and replaced with a new sale deed. This fact clearly indicate that only in order to produce a false document before the Court, a tampering has been done. The tampering could not have been possible without the active connivance of the concerned officials in the Registration Department and the private respondent.

2. This inference can be easily drawn with the simple reason that the private respondent has filed a suit in O.S.No.115 of 2018 on the file of the District Munsif, Thiruvavarur. If really there was an existing sale deed, it is the normal conduct of a person to rely upon the document whereas claiming right on the basis of the unregistered document before the Civil Court and suddenly relied on a registered document as if it was a sale deed before the revenue authorities and obtained an order in his favour.

3. In such view of the matter, this Court is of the view that producing a false document with an intention to deceive the Court or any quasi judicial authority is nothing but to get favourable orders. The same definitely amounts to contempt. Even before this Court, a false document was produced. When the Sub Registrar was directed to produce the document, the same tampered document was produced before the Court and projected that it was only a sale deed. Hence, the Sub Registrar, Thiruvavarur and the private respondent herein are directed to



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appear before this Court on 20.06.2024.

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4. Issue notice to the private respondent and Mr.Balamurugan, Sub Registrar, Tiruvarur, returnable by 20.06.2024.

5. The learned counsel for the fourth respondent submitted that he will withdraw his vakalat.

Post the matter on 20.06.2024 under the same caption.”

5. In view of the above act, this Court by the Order dated 20.06.2024 in the above writ petition, initiated the contempt proceedings against the fourth respondent and Mr.Balamurugan, Sub Registrar, Tirvarur, calling upon them to show cause as to why contempt proceedings should not be initiated against them for producing false documents before the Court.

6. Today, Reply Affidavit has been filed by both the contemnors. It is the stand of Mr.S.Balamurugan, Assistant Sub-Registrar (In-charge), (Under suspension) Sub Registrar Office, Thiruvarur/contemnor 2 before this Court that he was already placed under suspension in view of the directions of this



Court and it is the further stand in the affidavit that the fourth respondent had already obtained the certified copy dated 29.12.2014 directly from the Office of the SRO Joint I, Thiruvavarur to avoid the controversy. The contemnor 2 was placed as Sub Registrar, (In-charge) only on 20.02.2023. Therefore, he has signed the certified copy prepared by some other Junior Assistant. Hence, it is the contention that he is no way connected with tampering of document.

7. The contemnor/fourth respondent has filed a reply to the effect that the fabrication has not been established. According to him, the deed of 1974 is genuine and the property does not belongs to the Matt. Hence, he reiterated that the order passed by the District Revenue Officer is correct.

8. The very nature of the reply affidavit filed by the contemnors clearly indicate that they have not shown remorse for production of false document. If really, there was a sale deed registered in the year 1974, there was no reason as to why the contemnor No.1 has relied only on a sale agreement in the year 2018 to file a suit. These aspects itself indicate that the document has been tampered later with the active connivance with the Sub Registrar. The respondent despite the directions of this Court produced a certified copy, based on the certified copy said to have been obtained manually in the year 2014,



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that too, without verification of the original records, said Act clearly prove the fact that he is also part and parcel of the conspiracy in manipulating the document. The very report submitted by the District Registrar (Administration), Thiruvarur indicate that the Sub Registrar who is placed under suspension has been working in the same office from 24.01.2018 to 17.06.2018, 31.10.2019 to 06.02.2020, 14.07.2021 to 31.12.2021, 06.04.2022 to 19.02.2023 and 20.02.2023 to 24.04.2024.

9. Therefore, when the person is already having huge experience in the particular Sub Registrar Office, he has not even verified the document and issued the certified copy that too for production before the High Court. Now, affidavit indicate that as if he has compared only the certified copy already obtained by the private respondent in the year 2014. The so-called certified copy issued in the year 2014 itself create a serious doubt about its genuineness. The signature, seal and endorsement made there is no details whatsoever mentioned as to the date when the copy application was presented and certified copy was made. Further, the digitisation was done in the year 2018 and the digitisation records and the QR Code clearly shows that the document registered in the year 1974 was only a mortgage deed, only for the first time the fabricated document is produced in the year 2023. Now, the Contemnor 2



filed an affidavit to the effect that he has prepared the certified copy on the basis of copy already obtained in the year 2014. This is the first time such contention is put forth, even at the time of producing the copy before this Court in the earlier hearing, it was not the stand of the Contemnor No.2 that certified copy was prepared from the certified copy already obtained in the year 2014. The So-called certified copy of the year 2014 produced before this Court, as already stated, there is no details as to the signature, seal and endorsement. Therefore, these facts clearly indicate that the so-called certified copy of the year 2014 is also created with active connivance with the Contemnor No.2. This document also, prima facie, makes it clear that the document is only made for the purpose of defence in the contempt proceedings.

10. This Court also directed the Inspector General of Registration to produce the copy of the document in which the fabrication taken place in the copy sheet, on perusal, it makes it very clear that the entry relating the Doc.No.2935/1974 has been very conveniently written in hand after erasing the original entry and the previous document entered by the officials also placed before the Court. Normally the copy sheet entries will be made only by person in charge of particular job chronologically, whereas the very next entry has been conveniently fabricated. All these facts clearly shows that the document



has been produced in order to deceive the Court to get a favourable order. That apart, besides the contempt, the Inspector General of Registration is directed to lodge a criminal complaint for fabrication of document against the concerned persons also. The investigating officer is also directed to find out any other persons in office also involved in these type of fabrications of the document.

11. Having the above background, this Court is of the view that when the false document is produced with the intention to defraud the Court, this act also fall within the ambit of Contempt. This has been held by the Hon'ble Apex Court in the case of *Chandra Shashi vs. Anil Kumar Verma* reported in (1995) 1 SCC 421. The relevant paragraph reads as follows:

“14.The legal position thus is that if the publication be with intent to deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice. It would, in any case, tend to interfere with the same. This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt.”



12. Therefore, in order to deceive the Court and getting a favorable order with the active connivance with the Sub Registrar document has been produced, if the Court shuts its eye and accept their affidavit, in fact, the same will encourage unscrupulous officials who may engage such activities in connivance with the private parties to achieve their goals. Thus, this Court is of the view that unless the contemnors are convicted under the Contempt of Courts Act, 1971, these types of fraud and fabrication cannot be curbed in a public office particularly in registering office where the entries are so important which decide the rights of the parties. Such entries will have bearing in deciding the constitutional rights of the parties particularly, the property rights. Therefore, for the production of fabrication document, this Court holds that the contemnors guilty of having committed civil contempt, as defined under Section 2(b) of the Contempt of Court Act, 1971 (hereinafter referred to as 'the Act') and hence, they are liable to be punished under Section 12 of the Act.

13. Accordingly, the contemnors, namely D.Sasikumar/contemnor 1 and S.Balamurugan/contemnor 2 are hereby ordered to undergo a sentence of simple imprisonment for a period of two months with a fine amount of Rs.2,000/- each. Request was made on the side of the contemnors to suspend the execution of punishment, this Court is inclined to exercise its powers under



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Section 19(3) of the Contempt of Courts Act, 1971 and suspend the execution of the imprisonment alone imposed on the contemnors by this Order till the period of 30 days for filing appeal.

14. Accordingly, this *Suo Motu* Contempt Petition stands disposed of in the above terms.

05.07.2024

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N. SATHISH KUMAR, J.



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