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Cont.P.No.2430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Contempt Petition No.2430 of 2024

R.Ramasamy

... Petitioner

vs.

Udhaya Shankar

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, praying to punish the respondent for willful disobedience of the order dated 11.08.2023 made in W.P.No.19897 of 2023.

For Petitioners : M/s.E.Shobana

For Respondents : Mr.P.Harish
Government Advocate

ORDER

This Contempt Petition has been filed to punish the respondent for willful disobedience of the order passed in W.P.No.19897 of 2023 dated 11.08.2023.



Cont.P.No.2430 of 2024

2. The petitioner filed a writ petition seeking a direction to the first respondent/Joint Commissioner, Tiruppur, to take steps to cancel the sale deeds under document Nos.3585, 3796, 3841 and 3918 of 2023 registered on the file of Sub Registrar, Avinashi in respect of the properties of Arulmighu Thiru Muruganatha Swamy Thirukkivil, Thirumuruganpoondi Town Panchayat, Avinashi Taluk, Tiruppur District.

3. When the writ petition came up for hearing the learned Government Advocate (HR and CE) appearing for the contesting respondent therein submitted that already complaint was given by Executive Officer of the temple for cancellation of the sale deed. Recording the same, the respondent herein was directed to consider the complaint made by the Executive Officer of the temple seeking cancellation of the sale deed in respect of the temple.

4. The learned Special Government Pleader, who is taking notice for the respondent on instruction submits that the enquiry initiated by the respondent based on complaint by the Executive Officer of the temple could not be proceeded with, in view of the order of this Court in W.P.No.18814 of 2023.



Cont.P.No.2430 of 2024

WEB COPY

5. It is also brought to the notice of this Court that Section 77A of the Registration Act which enables that the authorities to cancel the registered document was struck down in *M.Kathirvel Vs The Inspector General of Registration* in *W.P.Nos.10291 of 2022 and batch*. Therefore, the respondent herein is not in a position to proceed with the enquiry seeking cancellation of the sale deeds in respect of the properties of the temple mentioned above.

6. Recording the submission made by the learned counsel for the respondent, this Contempt Petition is closed with liberty to the petitioner to workout his remedy before the Competent Civil Court.

03.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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WEB COPY



Cont.P.No.2430 of 2024

S.SOUNTHAR, J.

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Cont.P.No.2430 of 2024

03.09.2024