



CONT.P.(MD)No.866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.866 of 2024

in

W.P.(MD)No.19248 of 2023

D.Mahalakshmi

... Petitioner

Vs.

1.Gayathri,
The Inspector of Police,
Ayakudi Police Station,
Ayakudi, Dindigul District.

2.The Sub Registrar,
Chatharapatti Sub Registrar Office,
Ottacnchathiram Taluk,
Dindigul District.

... Respondents

*(R2 is suo motu impleaded vide order dated
03.06.2024 in Cont.P.(MD)No.866 of 2024 by GRSJ)*

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnor for his wilful disobedience of the order passed by this Court dated 03.11.2023 in W.P.(MD)No.19248 of 2023.



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For Petitioner : Mr.G.Sridharan
For Respondents : Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R1.
Mrs.D.Farjana Ghoushia,
Spl. Government Pleader for R2.

ORDER

The petitioner herein filed W.P.(MD)No.19248 of 2023 challenging the refusal check slip issued by the second respondent. The writ petition was disposed of by me on 03.11.2023 on the premises that the original document is not traceable. In that view of the matter, I directed the petitioner to approach the Inspector of Police, Ayakudi Police Station for issuance of non-traceable certificate. Contending that the jurisdictional police have not complied with the order passed by this Court, the present contempt petition came to be filed.

2.Today ie., 03.06.2024, when the matter was taken up for hearing, Mrs.Gayathiri, Inspector of Police, Ayakudi Police Station appeared in person and informed the Court that the parent document is with one Muthusamy, S/o.Chinna Kanniappan. It appears that the said Muthusamy has also filed a civil suit against the petitioner.



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3.The purpose of asking the presentant of a document to produce the original deed is for the purpose of assurance of title. It is well settled that subsistence of mortgage is not bar for alienation. Muthusamy claims that Mahalakshmi had mortgaged her property. Mahalakshmi denied the allegation. Be that as it may, I declare that there is no impediment for registering the transaction that may be entered into by Mahalakshmi. Subject to fulfilment of other usual formalities, the document that was subject matter of W.P.(MD)No.19248 of 2023 shall be re-presented before the second respondent herein. The second respondent shall register the same, if no restraint order is received in the meanwhile from the jurisdictional Civil Court.

4.With this liberty to the petitioner to re-present the document and direction to the registering authority to register the document, this contempt petition is disposed of.

03.06.2024

NCC : Yes/No
Index : Yes / No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The The Inspector of Police,
Ayakudi Police Station,
Ayakudi, Dindigul District.
- 2.The Sub Registrar,
Chatharapatti Sub Registrar Office,
Ottacnchathiram Taluk,
Dindigul District.

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