



W.P.(MD) No.23132 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.23132 2024

and

W.M.P.(MD)No.19600 of 2024

Pandi

...Petitioner

-vs-

1.The Sub Registrar,
Office of the Sub Registrar,
Kadambur,
Thoothukudi District.

2.Amarnath

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent proceedings in his refusal slip in Ne.No.P15/2024 dated 28.08.2024 is illegal and quash the same and consequently direct the respondent to register the sale deed dated 12.08.2024 within stipulated time fixed by this Court.

For Petitioner
For R1

: Mr.S.M.Mohan Gandhi
: Mr.M.Siddharthan
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent dated 28.08.2024 and for a consequential direction to the first respondent to register the sale deed presented by the petitioner.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the first respondent. Considering the nature of the order proposed to be passed in this writ petition, notice to the second respondent is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner presented a sale deed dated 12.08.2024 in respect of the subject property executed in his favour. The same was refused to be registered initially, on the ground that the parent document was not produced. The petitioner had challenged the said refusal made by the first respondent in W.P.(MD)No.10678 of 2024 and this Court, by an order dated 11.07.2024, had set aside the said refusal order and directed



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the first respondent to register the sale deed subject to fulfilment of other usual formalities. When the petitioner represented same on the basis of the order of this Court, now once again the first respondent refused to register the same on a different ground that a civil suit in O.S.No.51 of 2023 is pending with regard to the subject property.

5.The issue of refusal made casually by citing the pendency of the suit, is elaborately dealt by the Division Bench of this Court in ***N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305]*** and mere citing the pendency of the suit, the document cannot be refused to be registered. In view of this settled legal position, the order impugned in this writ petition is liable to be set aside.

6.A perusal of the very refusal order impugned in this writ petition itself indicates that it is nothing but a clear disregard to the order of this Court dated 11.07.2024. Despite a positive direction is given to the first respondent in the earlier occasion, to register the document presented by the petitioner, the Sub Registrar has invented an another reason to refuse the registration of the document presented by the petitioner. The act of the first respondent clearly constitutes contempt of Court.



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7.Hence, when the matter was taken up for hearing in the morning session, this Court directed the first respondent to be present before this Court to show cause as to why he shall not be proceeded for contempt of Court. Therefore, the first respondent is present in person before this Court in the afternoon session and rendered his apology for the mistake committed by him.

8.This Court is of the view that mere rendering oral apology will not be considered. Hence, the first respondent is directed to file an affidavit of undertaking stating that the said mistake will not be repeated in future. Further, considering the seriousness of the issue involved in this matter, this Court deems it fit to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) upon the first respondent to be paid to the Women Advocate Association Creche attached to the Madurai Bench of Madras High Court immediately.

9.The first respondent also paid the cost imposed upon him by this Court and also filed an affidavit of undertaking not to commit such mistake hereafter.



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10. In view of the above, this writ petition is allowed and the refusal slip in Ne.No.P15/2024 dated 28.08.2024 is set aside. The first respondent is directed to receive and register the sale deed dated 12.08.2024 within a period of 15 days from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

Index : Yes / No
Internet : Yes / No
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To

The Sub Registrar,
Office of the Sub Registrar,
Kadambur,
Thoothukudi District.



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N.SATHISH KUMAR, J.

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