



W.P(MD).No.26186 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.26186 of 2024

and

W.M.P(MD).No.22193 of 2024

1.M.Perumalsamy
2.P.Raja

... Petitioners

Vs.,

1.The Joint Sub Registrar No.1,
Dindigul.

2.Rajeshwari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in RFL/Dindigul Joint 1/22/2024 dated 25.10.2024 and quash the same and consequently direct the first respondent to register the deed of amendment dated 11.12.2023 to the settlement deed dated 10.11.2022 in Doc.No. 3782/2022 executed by the first petitioner in favour of the second petitioner within a time fixed by this Court.

For Petitioner	: Mr.H.Arumugam
For R-1	: Mr.P.Subbaraj
	Special Government Pleader



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ORDER

Challenging the refusal check slip issued by the first respondent refusing to register the document presented by the first petitioner, this writ petition has been filed.

2. When the matter came up 'for admission' on 29.10.2024, this Court passed the following order:

“Challenge has been made to the refusal check slip dated 25.10.2024 issued by the 1st respondent on the ground that revenue records have not been produced.

2. When the 1st petitioner has presented the amendment deed dated 11.12.2023 to the settlement deed dated 10.11.2022 for registration, the same was refused to register. Challenging the same, the petitioner has filed W.P.(MD)No.3498 of 2024, where this Court, vide order dated 17.10.2024, has passed the following order:-

“ 6.In such view of the matter, when the aforesaid S.No. 364/1C was found in the parent deed, then the respondent need not insist for the revenue records. Hence, the impugned refusal check slip in RFL/Dindigul Joint 1/26/2023, dated 11.12.2023 is hereby quashed and the respondent is directed to register the Deed of Amendment dated 11.12.2023 to the Settlement Deed



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dated 10.11.2022 in Doc.No.3782/2022 executed by the 1st petitioner in favour of the 2nd petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

3.Pursuant to the said order, when the document is presented for registration, the 1st respondent has issued the impugned refusal check slip on the ground that the encumbrance certificate relating to the property discloses many encumbrance.

4.This Court is of the view that when this Court directed the Sub Registrar to register the document positively, the order should have been obeyed. Instead of doing so, giving different reasons by sitting over the order of this Court is a clear case of disobedience. Therefore, the 1st respondent is directed to appear before this Court on 30.10.2024 and show cause as to why contempt proceedings shall not be initiated against him.

5.Post the matter on 30.10.2024.”

3. Pursuant to the above direction, today (i.e.,30.10.2024), R.Rajeswari, Joint Sub-Registrar No.I (In-charge), Dindigul /second respondent herein, is present before this Court. When the Court asked as to why the refusal check slip has been issued, despite the positive direction of this Court. The answer of the Sub Registrar to the effect that she has committed mistake, hereafter, she will not



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do the same. Her statement does not show any remorse. When the Court once again asked the Sub Registrar as to whether she has seen the order of this Court dated 17.10.2024 before issuing the refusal check slip. The answer is that she has seen the order and also understood that this Court directed the Sub Registrar to register the document. Despite the same, she has passed such order refusing to register the document. The very act of the Sub Registrar is clear case of contempt and disobedience of order of this Court. Certainly, she is liable for punishment.

4. At this stage, the learned Government Pleader would submit that instead of imposing any punishment, cost may be imposed on the Sub Registrar to realize the mistake.

5. In view of the above, this Court is also not inclined to impose any punishment on the second respondent considering the fact that she was discharging the duty of the Sub Registrar (in charge) and she is actually Assistant in the Sub Registrar Office. Hence, she is directed to pay a cost of Rs.15,000/- (Rupees Fifteen Thousand only), which is to be paid by the said R.Rajeswari to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code:



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IDIB000H040, High Court Branch, Madurai (2001)] today itself. The Inspector General of Registration shall take note of this type of order passed by the Sub Registrar disobeying the order of the High Court and take appropriate disciplinary action against the Sub Registrar, who violates the Court order.

6. Since the petition mentioned document has already been registered, no further order is required to be passed in this writ petition. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

30.10.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinampakkam, Chennai 600 028.

2.The Joint Sub Registrar No.1,
Dindigul.



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N.SATHISH KUMAR, J.

Rmk

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