



Cont.P.No.2216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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Gunasundari

... Petitioner

Vs

Tirupurasundari,
The Sub Registrar,
Tiruvannamalai Joint-II SRO,
Tiruvannamalai District.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for committing contempt of Court by wilfully disobeying the orders passed in W.P.No.3086 of 2025 dated 06.03.2025.

For Petitioner : Mr.S.Karthikeyan
for Mr.R.Hari

For Respondent : Mr.Haja Naziruddin
Additional Advocate General
Assisted by Mr.U.Baranidharan
Special Government Pleader

ORDER

The contempt petition has been filed for the wilful disobedience of the order of this Court in W.P.No.3086 of 2025 dated 06.03.2025.



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WEB COPY 2. When the contempt petition came up for hearing on 18.07.2025, this

Court passed the following order:

"Mr.Alagu Gowtham, learned Government Advocate takes notice on behalf of respondent.

2.The grievance expressed by the petitioner is that in spite of the order passed in the writ petition, the objections made by the petitioner was not considered and subsequent registration has taken place.

3.The learned Government Advocate seeks for time to take instructions.

4.Post this case on 28.07.2025 at 2.15 p.m."

3. The matter was thereafter listed for hearing on 28.07.2025 and the following order came to be passed by this Court:

"When the matter was taken up for hearing today, the affidavit of the respondent was filed. The respondent has taken a stand that the copy of the order dated 6.3.2025 was delivered to the respondent only on 25.6.2025 and in the meantime, the sale deed was registered on 12.4.2025 and it was released.

2.In the considered view of this Court, the stand taken by the respondent in the affidavit exhibits the contumacious conduct on the part of the respondent. When the writ



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petition was disposed of by this Court on 06.03.2025, the learned Government Advocate represented the respondent and that by itself must be construed as a deemed notice for the respondent. That apart, after the order was passed, the petitioner had informed the respondent about the order passed in the writ petition which was acknowledged by the respondent on 25.03.2025. The relevant document is also available. Under such circumstances, the respondent cannot be permitted to take a stand before this Court to the effect that the respondent received the copy of the order only on 25.06.2025 and since registration was done in the meantime, there was no willful disobedience of the order. The respondent is trying to give a justification after having violated the order passed by this Court.

3.In view of the above, there shall be a direction to the respondent to be present before this Court on 04.08.2025 at 2.15 p.m.

4. The matter was once again listed for hearing on 04.08.2025 and after hearing the learned Additional Advocate General, the following order came to be passed by this Court:

"Pursuant to the earlier order passed on 28.07.2025, the Sub Registrar/ respondent was present before this Court today.



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2. *The learned Additional Advocate General appearing on behalf of the respondent requested for some time to rectify the mistake committed by the respondent by registering the sale deed on 12.04.2025.*

3. *Post this Contempt Petition on 12.08.2025 at 02.15 P.M. The respondent shall be present at the time of hearing."*

5. Heard the learned counsel appearing for both sides.

6. When the matter was taken up for hearing, the learned Additional Advocate General produced the proceedings initiated under Section 83 of the Registration Act, 1908 against the concerned persons.

7. In the case in hand, the subject property in Survey Nos.26/1A & 26/1B measuring an extent of 8.26 acres is said to be DC lands. Initially, a No Objection Certificate that is said to have been issued by the Tahsildar, Tiruvannamalai dated 09.02.2023 was relied upon to deal with the property as if it is non-DC lands. Ultimately, it came to light that the proceedings dated 09.02.2023 was a forged document and no such No Objection Certificate was granted by the Tahsildar, Tiruvannamalai. Hence, the very basis on which the transaction has taken place is questionable.



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WEB COPY 8. Apart from the above fact, the judgment and decree passed in O.S.No.261 of 2005 and A.S.No.8 of 2011 was taken note of while passing orders in the writ petition.

9. An attempt was made to deal with the property and therefore, the petitioner had given a protest petition and this Court directed the Sub Registrar to deal with the protest petition before taking a decision regarding the registration of the document.

10. The above direction issued by this Court was not complied with and the Sub Registrar has come up with the plea that the concerned official became aware of the order only on 25.06.2025 after a copy was received. Even in the earlier order passed by this Court, it is made clear that the stand taken by the Sub Registrar is untenable for the simple reason that the Sub Registrar was represented by the learned Government Advocate when the writ petition was disposed of by this Court. Hence, it is presumed that the Sub Registrar was aware of the order in the writ petition. Two illegalities are apparent in the present case. First illegality is the No Objection Certificate that was relied upon for the purpose of registering DC lands, which was found to



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be a forged document as per the communication made by the Tahsildar, Tiruvannamalai to the Sub Registrar dated 28.07.2025. Therefore, the property could not have been dealt with and registered by the Sub Registrar. The second illegality is that the said registration has taken place after the order passed in the writ petition, where this Court made it clear that no such registration should be done without considering the protest petition given by the petitioner. If registration has taken place, in the teeth of this order, the registration must be considered to be illegal and non-est.

11. In the light of the above discussion, this Court has to necessarily interfere with the registration of the document done by the respondent in Document No.5097 of 2025 which was registered on 12.04.2025 after the order had been passed in the writ petition.

12. In the light of the above discussion, Document No.5097 of 2025 dated 12.04.2025 is hereby set aside. Relevant entry shall be made in the Encumbrance Certificate. The respondent is directed to call the concerned party for an enquiry and the objection made by the petitioner shall also be considered and thereafter, a decision shall be taken regarding registration of the document. This Court also finds that the respondent has wilfully disobeyed



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the order of this Court. Considering the fact that the respondent is a woman officer and her age is 53 years, this Court does not want to impose any serious punishment of imprisonment. However, this Court is inclined to impose a fine of Rs.10,000/- (Rupees Ten Thousand only) on the contemnor payable on or before 26.08.2025. Either the respondent has to pay the fine amount from her own funds or the same can be deducted from her salary and be paid. The fine amount shall be deposited to the account of the Chief Justice Relief Fund.

13. With the above directions, this Contempt Petition is disposed of.

12.08.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

The Sub Registrar,
Tiruvannamalai Joint-II SRO,
Tiruvannamalai District.



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N.ANAND VENKATESH, J.

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