



W.P.(MD)No.20963 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20963 of 2021

J.Sumathy

... Petitioner

Vs.

1.The Secretary to Government

Department of Commercial Taxes and Registration,
Fort St.George Road,
Chennai - 600 009.

2.The Inspector General of Registration,

Mandaveli,
Chennai - 600 028.

3.The Deputy Inspector General of Registration,

Office of the Registration,
Rajakambiram,
Othakadai,
Madurai - 625 106.

4.The Authorized Officer,

Tata Consulting Services Ltd.,
Mandaveli,
Chennai - 600 028.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the



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records of the 3rd Respondent letter in 5461/A4/2021 dated 03-09-2021 and quash the same and direct the Respondents 1 to 4 to develop the proper software to re-introduce the system of Name Search/Nominal Search for issuing encumbrance certificate by the Registration Department of the Tamilnadu within a time frame to be fixed by this Honourable Court

For Petitioner : Mr.T.S.R.Venkatramana,
Senior Counsel
for Ms.V.Janaki Devi

For R-1 to R-3 : Mr.B.Saravanan,
Additional Government Pleader

For R-4 : No Appearance

ORDER

This Writ Petition has been filed challenging the impugned letter issued by the third respondent dated 03.09.2021 and for a direction to the official respondents to develop a proper software to re-introduce the system of name Search / nominal Search for issuing Encumbrance Certificate by the Registration Department.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that the petitioner wanted to claim certain rights in the H.U.F. properties. She was trying to get the



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particular of the properties by applying for Encumbrance Certificate in order to ascertain as to whether it has been dealt with and the person in whose name it stands.

3. The petitioner was not able to get the particulars of the name in which the transaction had taken place and as a result, the petitioner was not able to proceed further to seek for her share in the properties. It is under these circumstances, the petitioner had made a representation to the official respondents and the impugned letter dated 03.09.2021 came to be issued to the petitioner in the following manner:

“உசிலம்பட்டி, பேரையூர், சார்பதிவக
அலுவலகங்களில் பெயர் வில்லங்கம் தேடுதல்
மேற்கொண்டு தருமாறு மனு அளிக்கப்பட்டுள்ளது.
Star 2.0 மென்பொருளில் பெயர் தேடுதல் வசதி
அளிக்கப்படவில்லை என்ற தகவல் தங்களுக்கு
தெரிவிக்கப்படுகிறது.”

4. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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5. The learned Senior Counsel appearing on behalf of the petitioner submitted that Rules 140 and 141 of the Registration Rules provides that the name of the individual must be provided while making the searches for getting the Encumbrance Certificate and in the light of such a specific Rule, the official respondents cannot take a stand that the prevailing software does not have a provision for giving the name search / nominal search. The learned Senior Counsel submitted that the scientific developments must be in line with the Rules that are available and it will not be difficult for the official respondents to provide for the name search / nominal search and that it will help in a big way to identify the persons, who had undertaken the transaction.

6. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of respondent Nos.1 to 3 produced the written instructions received from the Deputy Inspector General, Madurai. It is mentioned therein that steps are being taken to incorporate Star 3.0 software in which the name search / nominal search can be made while issuing the Encumbrance Certificate.



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7. In the light of the specific stand taken by the official respondents, there shall be a direction to the first and second respondents to immediately take steps to change the software as “3.0” in the place of “2.0”. This exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. The respondents will be complying with the requirements of Rules 140 and 141 of the Registration Rules, if the software is changed.

8. This Writ Petition is disposed of with the above directions.

No costs.

24.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Secretary to Government

Department of Commercial Taxes and Registration,
Fort St.George Road,
Chennai - 600 009.

2.The Inspector General of Registration,

Mandaveli,
Chennai - 600 028.



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3.The Deputy Inspector General of Registration,
Office of the Registration,
Rajakambiram,
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Madurai - 625 106.
Thirumangalam,
Madurai District.

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