



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 22.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.12707 of 2012
(Through Video Conferencing)

Chelliah

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
Pudukottai.

3.The Sub Registrar,
Keeranur

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pay a compensation of Rs.25,00,000/- (Rupees twenty five lakhs only) to the petitioner and direct the 3rd respondent to set aside the sale deed executed by Mayandi and Mariyappan in favour of the petitioner.

For Petitioner :Mr.P.Ganapathi Subramanian
For Respondents :Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

This writ petition has been filed seeking for compensation from the respondents on the ground that the petitioner on verification of the encumbrance certificate proceeded to purchase the property, since no encumbrance was shown and subsequently, it came to light that the property has already been sold. Therefore, according to the petitioner, he has sustained loss in the transaction and he was also forced to undergo the agony of facing a criminal case.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The third respondent has filed a counter affidavit in this case. A stand has been taken in the counter affidavit to the effect that the petitioner never applied for an encumbrance certificate in his name. The encumbrance certificates that are referred by the



petitioner was applied by one V.Karnan and the certificate was issued only to him. It is true that this Court in ***R.Ravichandran v. The State of Tamil Nadu, (2002) 2 LW 590*** has held that a writ petition can be maintained for the purpose of claiming compensation, where there is a gross negligence in issuing an encumbrance certificate, where the relevant entries have been omitted to be mentioned. This judgment was also subsequently reiterated in ***Joint Sub-Registrar No.II, Joint Sub Registrar II Office, Villuppuram and others v. Anna Matha Teachers' Training Institute, rep. by the Correspondent***, reported in ***(2015) 2 CTC 584***. While rendering this judgment, this Court also took into consideration the subsequent order passed by the Government in G.O.Ms.No.90, dated 08.12.2014 through which online facilities were introduced to verify the encumbrance and take copies. This Court held that the authorities are expected to furnish the correct details, failing which, a person can be put to hardship, while undertaking the process of entering into a transaction.

4. Unfortunately in the present case, the petitioner has not applied for any encumbrance certificate in his name. Therefore, this Court is not in a position to grant compensation to the petitioner based on the application made by some other person named Karnan. Since the case involves disputed questions of fact, this Court cannot undertake the exercise of giving any finding on such disputed facts.

5. In view of the above, this Court is not inclined to grant the relief sought for by the petitioner. Accordingly, this writ petition is closed. No costs.

Sd/-

Assistant Registrar (CSII)

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/ /2021

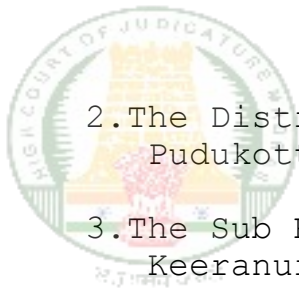
Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

RR

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai.



2.The District Registrar,
Pudukottai.

3.The Sub Registrar,
Keeranur

WEB COPY
+1 CC to M/s.SPL GP (SR-17341[F] dated 23/04/2021)

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GS (16.06.2021) 3P 5C