



WEB COPY



W.P.No.32984 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.32984 of 2022

B.Lakshmipathi

.. Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Chennai 600 028

2.The District Registrar
No.52, Orikkai Madura
Near Anna Kudiyiruppu
Kancheepuram District

3.The Joint-II SRO
Registration Department
Kanchipuram District
Kanchipuram

4.M/s.Color Home Developers Private Limited
No.23/19, 7th Street
W-Block Anna Nagar
Chennai 600 040

5.The Divisional Manager
Canara Bank, Regional Office
Tambaram, Chengalpattu 600 045



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6.The Branch Manager
Canara Bank, Periyakanchipuram Branch
Kanchipuram District

7.M/s.Religare Housing Development
Finance Corporation Limited (RHDFCL)
No.24/16, NN Garden, Old Washermanpet
Chennai 600 021

8.Edelweiss Housing Finance Limited (EHFL)
7th Floor, Tower No.117, T.Nagar
Chennai 600 017

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to make a detailed enquiry based on the representations dated 03.11.2020, 12.07.2021, 01.11.2022 made by the petitioner against the 4th respondent acting in collision with the other respondents with respect to the fraudulent mortgage made by the 4th respondent in respect of the property sold to the petitioner.

For Petitioner	: Mrs.N.Kavitha Rameshwar
For R1 to R3	: Mr.L.S.M.Hasan Fizal Additional Government Pleader
For R4 & R8	: No appearance
For R5 & R6	: Mrs.T.Hemalatha
For R7	: Mr.V.Balasubramani

ORDER

This writ petition has been filed for a direction to the 1st respondent to conduct a detailed enquiry, based on the representations dated 03.11.2020, 12.07.2021 and 01.11.2022 made by the petitioner against the 4th respondent.



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WEB COPY 2. Heard both sides and perused the materials placed on record.

3. According to the petitioner, he purchased a plot on 31.03.2017 from the 4th respondent. During 2018, he came to know that the said property had already been mortgaged by the 4th respondent. However, on the complaint raised by the petitioner, the said property was released from the mortgage in the year 2021. It is the grievance of the petitioner that prior to his purchase on 31.03.2017, two mortgages were already in existence and his representation seeking to conduct enquiry in this regard, has not been considered by the 1st respondent. Hence, the present writ petition.

4. This Court is of the view that mere conduct of enquiry by the registering authority will not serve any purpose in this matter. The doctrine of *caveat emptor* squarely applies to the buyer. Be that as it may, if the vendor had suppressed and sold the property, the petitioner is not remedyless and he can very well sue the vendor, invoking indemnity clause in the sale deed. In such view of the matter, if the direction sought by the petitioner is granted, it will not serve any purpose.



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5. The learned counsel appearing for the petitioner submitted that the petitioner has approached the Real Estate Regulatory Authority, as against the vendor. Hence, it is left open to the petitioner to work out his remedy, before the Real Estate Regulatory Authority.

With the above observation, this writ petition stands closed. No costs.

01.07.2024

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Index : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

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