

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 11205 of 2015

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M.P. No. 1 of 2015

1. Dr.R. Jayachandran
 2. Mrs.Kala Jayachandran
- ...Petitioners

Vs.

1. The Inspector General of
Registration/Chief Controlling
Revenue Authority,
Chennai - 600 028.
 2. The Sub Registrar,
Office of The Sub Registrar,
Adyar, Chennai - 600 020.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to forthwith release the sale deed dated 23.05.2014, registered as Document No. 276 of 2015, on the file of the 2nd respondent in respect of the petitioner's property comprised in T.S. No. 7/19 and T.S. No. 7/21, Ranjith Cross Street (Maruthai Avenue), Block No.14, No.10, Adyar Village, Mambalam-Guindy Taluk, Chennai District, Chennai to the petitioners or in the alternative, to conduct a site inspection of the petitioners' property and thereafter, release the registered document (No. 276 of 2015) to the petitioners.

For Petitioners : Mr.K. Selvaraj

For Respondents : Mr.R. Vijayakumar,
Addl. Govt. Pleader

O R D E R

By consent of both parties, the main writ petition itself is taken up for final disposal.

2. The petitioners claim that they are the owners of 3000 square feet of House Site comprised in T.S. No. 7/20 situated at Ranjith Lane (Maruthai Avenue), Block No.14, No.10, Adyar Village, Mambalam-Guindy Taluk, Chennai District, Chennai, by way of a registered sale deed dated 27.11.2009, registered as Document No. 1951 of 2009 on the file of the Sub Registrar, Adyar, Chennai, the 2nd respondent herein. According to the petitioners, originally, the 2nd respondent, Registering Authority, was of the opinion that the property is situated at Ranjith Road and therefore, he referred the document for determination of market value of the property under Section 47-A of The Indian Stamp Act to the District Revenue Officer (Stamps), Chennai. According to the petitioners, the District Revenue Officer (Stamps), Chennai, without considering the material documents and even the certificates of Tahsildar, Mambalam-Guindy Taluk, Chennai and the map of the Corporation of Chennai, fixed the value of the property at Rs.5,760/- per square foot by order dated 08.10.2009. On appeal before the 1st respondent, the value was fixed at Rs.5,500/- per square foot by order dated 21.12.2011, which was put to challenge before this Court, by filing an appeal in C.M.A. No. 839 of 2013 and this Court, by judgment dated 30.07.2013, allowed the appeal and held that the property is located only in Ranjith Lane and that the value of the property is only Rs.3000/- per square foot. The petitioners purchased an adjacent plot measuring 3,110 square feet comprised in T.S. No. 7/19 and T.S.No. 7/21, at Ranjith Cross Street (Maruthai Avenue), Block No.14, No. 10, Adyar Village, Mambalam-Guindy Taluk, Chennai District, Chennai by a registered sale deed dated 23.05.2014 and the same was also registered as Document No. 276 of 2015 by the Sub Registrar, Adyar, Chennai, the 2nd respondent herein. According to the petitioners, though the guideline value was correctly arrived at and stamp duty and registration charges were paid to register the document, the 2nd respondent, after registering the document, is keeping the same, asking the petitioners to pay the stamp duty as that of Ranjith Road, ie., at Rs.5,500/- per square foot, without considering the earlier order passed by this Court dated 30.07.2013 in C.M.A.No. 839 of 2013, wherein the value was fixed at Rs.3000/- per square foot. In this regard, the petitioners submitted a representation dated 21.03.2015 to the respondents. Though the said representation

was received and acknowledged, it was not favoured with any reply by the respondents. Hence, the petitioners have come forward with the present writ petition.

3. Heard Mr.K. Selvaraj, learned counsel for the petitioners and Mr.R. Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioners have prayed for a larger relief, this Court, considering the facts and circumstances, directs the 2nd respondent to consider and dispose of the representation of the petitioners dated 21.03.2015, in the light of the judgment rendered by this Court dated 30.07.2013 in C.M.A. No. 839 of 2013, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners. The writ petition is disposed of accordingly. No costs. Connected M.P. Is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration/Chief Controlling Revenue Authority, Chennai - 600 028.
2. The Sub Registrar, Office of The Sub Registrar, Adyar, Chennai - 600 020.

1 CC to Mr.K. Selvaraj, Advocate SR.No. 21175

1 CC to the Government Pleader, SR.No. 21244

W.P. No. 11205 of 2015

PUR (CO)

PSI (29.04.2014)