

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.7395 to 7397 of 2015

M.Madanagopal

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Petitioner in all the writ
petitions

Versus

1.The Secretary to Government
Revenue Department
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.The District Revenue Officer (Stamp Paper)
Office of the District Collector,
Chennai District,
M.Singaravelar Maligai, 5th Floor,
32, Rajaji Salai,
Chennai - 600 001.

3.The Sub Registrar
Thirukalukundram,
Kancheepuram District.

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Respondents in all the
writ petitions

Prayer in W.P.No.7395 of 2015 :- Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the 2nd respondent to consider and pass orders on the representation dated 18.09.2014 made by the petitioner for revision of the guideline value in respect of Document No.3165 of 2013, dated:05.09.2013, registered at the office of the 3rd respondent.

Prayer in W.P.No.7396 of 2015 :- Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the 2nd respondent to consider and pass orders on the representation dated 18.09.2014 made by the petitioner for revision of the guideline value in respect of Document No.5340 of 2013, dated:05.09.2013, registered at the office of the 3rd respondent.

Prayer in W.P.No.7397 of 2015 :- Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the 2nd respondent to consider and pass orders on

the representation dated 26.02.2015 made by the petitioner for revision of the guideline value in respect of Document No.4923 of 2014, registered at the office of the 3rd respondent.

For Petitioner in
all the writ petitions : Mr. K.Venkatesan
For Respondents in
all the writ petitions: Mr.R.Vijayakumar, A.G.P.

COMMON ORDER

Heard Mr. K.Venkatesan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself. Since the issue involved in all the writ petitions is one and the same, the above writ petitions are disposed of by the following common order.

2.The petitioner has filed these writ petitions praying for direction to the 2nd respondent to consider the representations dated 18.09.2014 ; 18.09.2014 and 26.02.2015, with regard to the guideline value to be adopted in respect of Document No.3165 of 2013, dated 20.05.2013, Document No.5340 of 2013,

dated 05.09.2013 and Document No.4923 of 2014, dated 08.09.2014, which has been accepted for registration by the 3rd respondent.

3.The petitioner case is that totally five documents were presented in respect of the property comprised in the same survey number and the 3rd respondent has accepted two of those documents, which are Document Nos.6237/2012 and 6693/2013 and registered those documents by accepting the land value at Rs.700/- per sq.ft. and those documents have been released.

4.In fact, from the photostat copies of those documents, it is seen that the value of Rs.700/- per sq.ft. has been fixed by the District Revenue Officer (Stamps), Chennai, who is the second respondent. Therefore, the same valuation is required to be adopted for the other 3 documents also, since it has been fixed by the authority who exercises power under Section 47(A) of the Act. However, in respect of the 3 documents, which was the subject matter of these writ petitions, the second respondent has issued notice in Form 1 under Section 4 of the Tamil Nadu Stamp Paper (Prevention of Undervaluation of Properties) Act 1968, proposing to adopt the land value at Rs.1000/- per sq.ft. This, according to the petitioner, is incorrect since in respect of the same survey number, the 2nd respondent himself has accepted the value of Rs.700/- per sq.ft. On receipt of notices under Form 1, the petitioner has submitted his objections on 18.09.2014 and the same is also pending.

5. In the light of the above, there will be direction to the respondents 2 and 3 to release the documents bearing Nos.3165 of 2013, 5340 of 2013, 4923 of 2014, dated 20.05.2013, 05.09.2013 and 08.09.2014 respectively, by accepting the land value at Rs.700/- per sq.ft., in the light of the proceedings of the 2nd respondent, dated 10.04.2014 in respect of document Nos.6237/2012 and 6693/2013. In the light of the fact that already the 2nd respondent has accepted the land value at Rs.700/- per sq.ft., the documents shall be released and the release of the documents will be without prejudice to the proceedings which are now initiated by the 2nd respondent by issuing notice in Form 1. The 2nd respondent is directed to conduct enquiry, decide the matter on merits and proceed independently. The above direction shall be complied with by the 2nd respondent within a period of three weeks from the date of receipt of a copy of this order.

6.The writ petitions are disposed of with the above direction. No costs.

AP/mrp

s/d-

Assistant Registrar(CS-III)

Dt:23/3/2015

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
Revenue Department
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.The District Revenue Officer (Stamp Paper)
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3.The Sub Registrar
Thirukalukundram,
Kancheepuram District.

+ 1 cc to the Govt.Pleader SR 15160

+ 1 cc to Mr.K.Venkatesan, Advocate SR 14745

kk(co)
prk25/3

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