

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.853 of 2015 &
M.P.No. 1 of 2015

Escapade Real Estate pvt. Ltd.,
rep. By its Authorised Signatory
Mr.O.P.Madhav .. Petitioner
Vs.

1. The Inspector General of Registration
Department of Registration
No.100, Santhome High Road
Pattinapakkam, Chennai 600 028.
2. The Deputy Inspector General of Registration
Department of Registration
Rajaji Salai, Chennai 600 001.
3. The District Registrar (Administration)
Department of Registration
Chengalpet Taluk
Kancheepuram District
4. The Sub Registrar Joint-II
Sub Registrar's Office
Chengalpet. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for records in Ref.No.3082/A2/2012 dated 10.09.2013, pertaining to the impugned order passed by the 3rd respondent, which was confirmed by the second respondent in Letter No.2846/E/2013 dated 05.11.2013 and quash the same and further direct the respondents more particularly the 3rd respondent herein to re-fix the Guidelilne Value for lands comprised in Survey Nos. 381, 383, 384, 385, 386, 387, 388, 389, 394, 437, 438 and 439 in the layout known as "Villa Viviana" situated at Sengundram Village, Govindapuram Hamlet, Maraimalar Nagar Municipal Limit, Chengalpet Taluk, Kancheepuram District, by conducting a fresh enquiry, without taking into consideration the registration of sale deed/s done after 01.04.2012, in the aforesaid layout, and pass appropriate order within a fixed time frame, after giving reasonable opportunity to the petitioner to make submissions/ personal hearings, in accordance with law.

For Petitioner : M/s R P Partners

For Respondents : Mr.V.Jaya Prakash Narayanan
Spl. Govt.Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard the learned Counsel appearing for the petitioner and Mr.V.Jaya Prakash Narayanan, learned Special Government Pleader, appearing for the respondents.

3.The petitioner challenged the order dated 06.03.2013, by which the petitioner's request for re-fixation of the guideline value was rejected on the ground that the guideline value of the said land fixed at Rs.2,000/- was just and proper.

4.It is seen that the petitioner has submitted a detailed representation dated 27.10.2012, pointing out the consistent increase in the land value from Rs.360/- to Rs.2000/-, that too only in respect of the lands owned by the petitioner and the neighbouring land owners have not been directed to pay Stamp Duty at such an enhanced rate. Therefore, it is submitted that this issue should have been considered by the respondents.

5.The learned Special Government Pleader appearing for the respondents submitted that each and every individual case cannot be considered and when guideline value is sought to be revised, it is open to the persons concerned to file their objections. Further more, the Committee formulated under Rule 3 of the Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value Guidelines of Properties) Rules, 1925, took a pragmatic decision, after considering all the factors.

6.Though such a stand has been taken by the respondents, the impugned order does not reflect any such discretion or reasons. The impugned order is totally devoid of reasons and has not stated as to why the petitioner's representation cannot be considered or as to how the fixation of guideline value at Rs.2,000/- is justified. Further more, there is no discussion as to the plea of discrimination raised by the petitioner. Hence, the respondents have to necessarily pass a speaking order.

7. Accordingly, the Writ Petition is allowed and the impugned order is quashed. The matter is remanded to the third respondent for affording an opportunity of personal hearing to the petitioner and pass a speaking order, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

rpa

-s/d-
Deputy Registrar (J)
Dt:10/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Inspector General of Registration
Department of Registration
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Pattinapakam, Chennai 600 028.
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4. The Sub Registrar Joint-II
Sub Registrar's Office
Chengalpet.

+ 2 ccs to M/s.R.P.Partners, SR 5539

+ 1 cc to Government Pleader SR 5653

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