IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15968 of 2016
and W.M.P.Nos.13820 to 13822 of 2016

V.Selvakumar ... Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Department of Revenue,
Fort St. George, Chennai.

2.The Special Deputy Collector
(Stamps),
Office of the District Collectorate,
Cuddalore-1.

3.The Joint Sub Registrar No.1,
Office of the Sub Registrar,
Cuddalore.

4.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

5.The Deputy Registrar,
Registration Department Building,
Sankarar Naidu Street,
Thiruppapuliyur,
Cuddalore-2. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus, to call for the records in connection with the report of the second respondent dated 9.12.2015 bearing Sl.No.39 of 2015 and quash the same and to direct the respondents to accept the actual stamp duty based on the petitioner's representation dated 8.1.2016 in accordance with law and release the sale deed No.4339 of 2015 registered on 30.11.2015.

For Petitioner : Mr.AR.L.Sundaresan, SC
for M/s.Kaviveerappan

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition, challenging the report of the second respondent dated 9.12.2015 bearing Serial No.39 of 2015 and consequently, to direct the respondents to accept the actual stamp duty based on his representation dated 8.1.2016 in accordance with law and release the sale deed No.4339 of 2015 registered on 30.11.2015.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner decided to buy 14 cents (6104 sq.ft.) of vacant land bearing T.S.No.12003 in Ward No.7, Block No.33 of Vilvarayanatham Village, from one Ravichandran, represented by his General Power Agent B.Kalaimani. As on 7.4.2015, the value of the said land is Rs.98,000/- and the guideline value is Rs.6,00,000/- per acre.

(b) On 30.11.2015, the petitioner approached the second respondent with his vendor for registration of his sale deed dated 30.11.2015 in respect of the said land. Since the value of the said land is Rs.98,000/-, he paid a sum of Rs.6,860/- towards stamp duty. However, the second respondent, without releasing the sale deed after registration, kept the same pending and sent a letter to the first respondent on 9.12.2015 for payment of further stamp duty. Subsequently, the second respondent sent the impugned report dated 23.12.2015 bearing Serial No.1429 of 2015 to the first respondent with a copy to the vendor of the petitioner, wherein it was reported that in the previous document registered in T.S.No.2003 vide document No.1802/1, it was registered at the rate of Rs.1,500/- per sq.ft. But the petitioner was not ready to pay the same value. Hence, the document was sent to the first respondent for collecting the deficit stamp duty.

(c) In respect of the said report, the petitioner made a representation dated 8.1.2016 to the second respondent to determine the value of the said land as Rs.6,000/- per cent as per the actual guideline value prevailing in the locality. But, no reply was given by the second respondent and he did not get any positive reply from him. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Learned senior counsel appearing for the petitioner submitted that while determining the value of the land, the third respondent has not conducted any field inspection or assessment and without getting any enquiry report from the

concerned authority, the third respondent sent the document to the second respondent. Further, he has submitted that the impugned order has been passed by the third respondent without giving notice to the petitioner and without giving any opportunity of personal hearing to the petitioner.

5. I have heard the learned Government Advocate also.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that the impugned order has been passed without giving notice to the petitioner and without giving any opportunity of personal hearing to the petitioner. Hence, the impugned order is liable to be quashed.

7. Accordingly, the impugned order is quashed and the writ petition is allowed. The matter is remitted back to the third respondent and the third respondent is directed to conduct an enquiry on the representation of the petitioner dated 8.1.2016, by giving an opportunity of personal hearing to the petitioner and pass orders afresh, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To
1.The Secretary,
Government of Tamil Nadu,
Department of Revenue,
Fort St. George, Chennai.

2.The Special Deputy Collector (Stamps),
Office of the District Collectorate,
Cuddalore-1.

3.The Joint Sub Registrar No.1,
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Registration Department Building,
Sankarar Naidu Street,
Thiruppapuliyur,
Cuddalore-2.

+ 1 cc to M/s. Kaviveerappan, Advocate Sr.26234
+ 1 cc to Government Pleader Sr.26769

W.P.No.15968 of 2016

RSY(CO)
Eu 04.5.16