IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.4141 of 2017 and
W.M.P.No.4290 of 2017

M/s.L.G.B. Educational Foundation
rep by its Authorised Representative
S.Sivakumar,
6/16/13, Krishnarayapuram Road,
Ganapathy, Coimbatore – 641 006. ... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The District Revenue Officer,
Stamps, Coimbatore.

3.The Sub Registrar,
Kinathukadavu, Coimbatore District.

4.The Assistant Engineer,
PWD – Department of Registration,
Registrar Office (Stamps), Madurai. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent re-inspect the petitioner's building subject matter of Sale Deed dated 16.06.2015 registered as Doc. No.4633 of 2016 on the file of the 3rd respondent and measure the same in the presence of the petitioner so as to find out the discrepancies in the earlier measurement undertaken by the 4th respondent dated 27.06.2015 under Mu.Mu.4313/E2/2015 in pursuance of the proceedings initiated by the 2nd respondent under Section 47-A of the Indian Stamp Act, 1899.

For Petitioner : Ms.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent re-inspect the petitioner's building, which is the subject matter of the Sale Deed dated 16.06.2015 registered as Doc. No.4633 of 2016 on the file of the 3rd respondent and measure the same in the presence of the petitioner so as to find out the discrepancies in the earlier measurement undertaken by the 4th respondent dated 27.06.2015 in pursuance of the proceedings initiated by the 2nd respondent under Section 47-A of the Indian Stamp Act, 1899.

2.It is the case of the petitioner that they purchased an extent of 38.14 acres of agricultural land together with RCC and ACC Cement sheet roof building with a car racing track to improve motor sports. At the time of the presentation of the document, the 3rd respondent kept the document pending registration under P.No.38/2015. On 19.06.2015, the 4th respondent carried out inspection of the building, including the race track and arrived at a market value for the building. The 2nd respondent also independently carried out inspection with respect to the agricultural land and made a demand to the petitioner to pay the deficit fee of Rs.1,85,89,010/-, after registering the document as No.4633/2016. The petitioner found from the demand that the value of the building was included twice, once in Column 12(b) and again in Column 12(c). The petitioner also found discrepancies in the measurement of the building arrived at by the 4th respondent and requested them to re-measure the property. The petitioner also made a request to the 1st respondent to appoint a person to conduct the measurement. The 1st respondent by his letter dated 11.01.2017 rejected the request of the petitioner stating that there is no provision under the Stamp Act to appoint a person to re-measure the property.

3.The 3rd respondent filed his counter wherein in paragraph-4, the 3rd respondent has stated that the 1st respondent, being the Appellate Authority under Section 47-A, has no jurisdiction to re-measure the property. Further, it has been stated that the 2nd respondent is empowered to make re-inspection of the building and get the revaluation done by the 4th respondent in the presence of the 2nd respondent and the petitioner.

4.Ms.P.T.Asha, learned counsel appearing for the petitioner submitted that it would be suffice to direct the 2nd respondent to make a re-inspection of the building and to get it revalued by the 4th respondent in the presence of the 2nd respondent and the petitioner, as stated by the 3rd respondent in the counter.

5.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents submitted that the 2nd respondent may be directed to re-inspect the building and get it re-valued as stated in the counter.

6.In view of the submissions made by the learned counsel on either side, I direct the 2nd respondent to direct the 4th respondent to re-inspect the building and get it valued in his presence and in the presence of the petitioner. The respondents 2 & 4 are directed to complete the exercise within a period of four weeks from the date of receipt of a copy of this order. Based on the valuation arrived at by the 4th respondent, the 3rd respondent shall pass appropriate orders, fixing appropriate stamp duty, as expeditiously as possible.

7.With these observations, the Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

Index : No **20.06.2017**
Internet : Yes
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Note: Issue order copy on <u>22.06.2017.</u>

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The District Revenue Officer,
Stamps, Coimbatore.

3.The Sub Registrar,
Kinathukadavu, Coimbatore District.

4.The Assistant Engineer,
PWD – Department of Registration,
Registrar Office (Stamps), Madurai.

M.DURAISWAMY, J.

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