IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.691 OF 2014
AND M.P.NO.1 OF 2014

P.Senguttuvan ... Appellant

-vs-

1.The Chief Controlling Revenue Authority
The Inspector General of Registration
Santhome High Road,
Chennai - 600 028.

2.The Special Deputy Collector (Stamps)
Cuddalore.

3.The Joint Sub - Registrar-I
Villupuram. ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 47-A(10) of the Indian Stamp Act, 1899, to set aside the order passed by the first respondent in his Letter No.46613/c2/2012 dated 09.12.2013.

For Appellant : Mr.N.Suresh

For Respondents: Mrs.M.Jayasree
Government Advocate

J U D G M E N T

Aggrieved over the order passed by the Chief Controlling Revenue Authority/Inspector General of Registration, dated 09.12.2013, the appellant has preferred this appeal.

2. The appellant purchased certain agricultural lands measuring 1.04 acres for the sale value of Rs.3,00,000/- per acre. The said sale deed was presented for registration on 24.12.2007. Thereafter, the third respondent / Joint Sub Registrar-I, Villupuram, referred it under Section 47-A of the Indian Stamp Act, 1899 (shortly "the Act") for fixation of market value. As per the determination of the market value, the

second respondent / Special Deputy Collector (Stamps) in his proceedings dated 20.06.2008, determined the market value of the property treating it as agricultural land at the rate of Rs.7,000/- per cent. The appellant had paid the deficit stamp duty to the aforesaid value of Rs.7,000/- on 01.08.2008 as per the order of the second respondent.

3. Pursuant to the objection made by the Registration Department, the first respondent, has initiated suo-motu revision proceedings, by issuing show cause notice dated 07.06.2013 to the appellant.

4. In the enquiry proceedings, the appellant submitted his objections. It is the contention of the appellant that the land continues to be agricultural land and he is cultivating sugarcane in the said land.

5. On a perusal of the impugned order, it is seen that the first respondent has initiated action under Section 47-A(6) of the Act, as it is prejudicial to the interest of the revenue. From the statement of the presentant of the document, during enquiry, it is revealed that the property purchased was an agricultural land and thereafter, he obtained electricity connection and cultivating sugarcane. He sold two plots from that property. But, the land continued to be an agricultural land. Thereafter, the property was developed as a lay-out and sold as house-sites. Even though suo motu revision has been rightly taken by the authority, it is seen from the records that inspection was conducted by the District Registrar, Villupuram. As held by this Court in various judgments, the District Registrar is an Officer under Registration Act and he is not a competent authority under the Indian Stamp Act to redetermine the value of the property. Therefore, the impugned order is not sustainable.

6. Further, the property was purchased in the year 2007. For the purpose of arriving at the market value, the first respondent shall rely on the documents of the same year or the previous years. But he has taken the market value of the year 2008 to 2010. The decision taken on the documents of the subsequent years is not sustainable, as there will be change of circumstances, for increasing the value of the property. Therefore, the impugned order dated 09.12.2013 passed by the first respondent is set aside and the matter is remitted back to the first respondent to reconsider the issue taking into account the nature and classification of the property on the date of registration as well as its value as of 2007, in compliance with Rule 11-A of the Tamil Nadu Stamps (Prevention of Undervaluation of Instruments) Rules,1968 and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Civil Miscellaneous Appeal is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvi/tk

To

1.The Chief Controlling Revenue Authority
The Inspector General of Registration
Santhome High Road,
Chennai - 600 028.

2.The Special Deputy Collector (Stamps)
Cuddalore.

3.The Joint Sub - Registrar-I
Villupuram.

+1cc to Government Pleader sr.no.80445

C.M.A.NO.691 OF 2014

nr 09/11/2018