HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.8111 OF 2009

ORDER

This writ petition is filed by the District Collector-cum-District Registrar, Anakapally challenging the order dated 20.02.2009 passed by the Senior Civil Judge, Chodavaram, in C.M.A.No.3 of 2006.

The facts leading to the present case are that the respondent-claimant presented a document to the Sub-Registrar, Chodavaram for registration of the sale deed in respect of an extent of Ac.0.062 cents showing the sale consideration as Rs.50,000/-. The Sub-Registrar having found that the stamp duty and market value was less than the market value prevailing, fixed the market value of the document at Rs.11,10,370/- and directed payment of deficit stamp duty. A reference was made by the Sub Registrar under Section 47-A of the Indian Stamp Act (for short 'the Act') on 26.08.2006 to the District Registrar. On receipt of the said reference, the District Registrar, passed an order on 26.08.2006 fixing the market value of the land at Rs.242/- per square yard and ordered the claimant to deposit the deficit stamp duty. Challenging the same, the claimant preferred C.M.A.No.3 of 2006 before the Senior Civil Judge, Chodavaram, who, by his

order dated 20.02.2009 allowed the appeal. Questioning the same, the present writ petition was filed.

The reasons shown for challenging the said order in the writ petition are as follows:

> **"I submit that it is the statutory duty vested with the District Registrar under Section 47-A of the act to adjudicate the market value and in that context the District Registrar in the instant case has taken into consideration of the location of the land, feasibility of the land and conversion of the land to that of house sites in the near by areas and potentiality of the land to become commercial and also by taking into consideration of the sale transactions took place in the near vicinity of the schedule property of the document has rightly arrived at the market value and the Hon'ble Court while setting aside the appeal has mainly relied upon the classification of the land mentioned in the revenue records and not taken into consideration of the documents filed in support of the Government and therefore, the orders passed in the appeal are unreasonable, irregular and contrary to the actual value of the land which is the subject matter of the document and therefore, order under writ petition is liable to be set aside.**
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> **I submit that if the document is registered and released in terms of the Stamp Duty arrived at by the claimant the Government would loose the stamp duty which the Government is legally entitled to collect and this document would become a precedent for further documents to be presented in the said area and therefore viewed from any angle the orders passed in CMA does not stand the scrutiny of law**

> **and therefore, the orders impugned in this writ petition are liable to be set aside.”**

When the matter is taken up for consideration, learned Government pleader could not show any ground for challenging the said order.

In the circumstances, and in view of the reasoned order passed by the learned Senior Civil Judge, Chodavaram, this Court sees no ground to interfere with the same.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd June, 2017
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