

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.6130 of 2016

&

C.R.P.Nos.3506, 3507, 3508, 3509, 3510, 3511 of 2017

Date : 24-08-2017

C.R.P.No.6130 of 2016

Between :

The District Registrar & Collector
Under Section 47-A of the Indian Stamp Act,
O/o. District Registrar, Visakhapatnam

.. Petitioner

And

M/s. Rayudu Estates Pvt. Ltd.
Represented by its Director A. Avnash,
Visakhapatnam

.. Respondent

Counsel for petitioner : Government Pleader for Arbitration

Counsel for respondent : Smt. T. Dhanalakshmi for Sri Pannala Srinivas

The Court made the following:

COMMON ORDER:

These Civil Revision Petitions arise out of separate but identical orders.

The dispute pertains to valuation of the properties which are situated within the Coastal Regulation Zone area, Visakhapatnam. The respondent in the respective revision petitions has presented certain documents for registration wherein the value per sq. yard is shown at Rs.1350/-. The Sub-Registrar, Visakhapatnam, not being satisfied with the said valuation, referred the dispute to the petitioner/District Registrar, Visakhapatnam under Section 47-A of the Indian Stamp Act, 1899 for determination of the market value of the properties pending registration. On such reference, the petitioner has issued show-cause-notice to the respondent in these revision petitions wherein each sq. yard was proposed to be valued at Rs.6,060/-. The respondent has submitted its objections. However, the said objections were rejected and the proposed valuation was confirmed by the petitioner. Feeling aggrieved by the same, the respondent filed a batch of Civil Miscellaneous Appeals before the learned Senior Civil Judge, Visakhapatnam. By separate but similar orders, the lower Court dismissed the appeals. Feeling aggrieved by the said orders, the respondent filed a batch of Civil Revision Petitions. By common order dated 14-3-2011, this Court allowed the said revision petitions and the matters were remanded with the following observations :

“The appellate authority in its orders did not as mentioned supra consider the matters having regard to the guidelines given in Rule 5 of the Rules. It also generally mentioned about the high values of the properties and then confirmed all the orders of the District Registrar. The learned Assistant Government Pleader noticing the above aspect requested for a remand with a direction to the District Registrar to dispose of the matters again having regard to the guidelines given in Rule 5 of the Rules. Thus in the circumstances I am of the opinion that the impugned orders should be set aside and all the matters should be remitted to the District Registrar with a direction to dispose of the same afresh keeping in view the Rules and the guidelines for valuation of properties after giving sufficient opportunity to both sides.”

After remand, the petitioner has passed a fresh order again fixing the market value at Rs.6060/- per sq. yard. These orders were questioned by the respondent before the lower Court by filing separate Civil Miscellaneous Appeals. The lower Court has allowed the said appeals.

The learned Government Pleader for Arbitration has submitted that as the petitioner has given germane reasons for fixing the market value at Rs.6060/- per sq. yard, the lower Court has committed an error in setting aside the said valuation.

The lower Court has relied upon the Judgment of this Court in **Meghraj Rathi and another Vs. Joint Registrar, Vizianagaram**¹ wherein judicial notice is taken of the fact that initially the purpose of registering a transaction as a mechanism to provide conclusive and authoritative proof had slowly been treated as a source of revenue to the Government and that the registering authority or the District Registrar has to take into consideration the value of the properties in the locality where the property in dispute is situated for fixing the market value. The

¹ AIR 2006 A.P. 140

Court below has also taken into consideration the fact that the property in question falls within the Coastal Regulation Zone area where raising of permanent structures is not permitted. Referring to the order of the petitioner that there are hotels nearby the schedule property and therefore it has commercial value it has observed that the petitioner did not make any attempt to know the exact value of the property. The Court below has also referred to and relied upon the Judgment in **Kamma Subba Rao Vs. The Commissioner and Inspector General, Registration and Stamps, Golconda X Roads, Hyderabad and others**² wherein this Court observed that the citizens are being taken for a ride by the authorities obviously because they feel that there is no check upon their indiscriminate exercise of powers.

A perusal of the order of the petitioner shows that he has placed reliance on the recommendation of the Market Value Revision Committee which has fixed the market value @ Rs.6060/- per sq. yard. The petitioner has also referred to the location of the property where some hotels such as Palm Beach Hotel and Park Hotel are situated. In C.R.P.No.1958 of 2007 & batch filed by the respondent earlier, this Court has found fault with the approach of the petitioner in having been guided by the mere fact that the property is situated in the location where commercial establishments and hotels are located without specifying the values of the properties situated in those areas. In that context, this Court also observed that it is well settled that the Departmental valuation

² W.P.No.1753/2007, dt.8-3-2007

cannot be the basis for increasing the valuation for the simple reason that the Departmental valuation may be more than the market value which a property may reasonably be expected to fetch or sometimes it may even be less than that valuation. In spite of the specific observations of this Court that the petitioner has to determine the market value with reference to the actual market value of the properties situated in the locality and the guidelines for determination of market value framed under Rule 5 of the Rules, the petitioner has displayed the same approach as he has shown when he has passed the previous order. As rightly observed by this Court in the previous round of litigation, it would not be safe to solely rely upon the valuation made by the Market Value Revision Committee without considering the actual market value reflected from the sale transactions of the properties taking place proximate in time to the transactions covered by the sale deeds of properties situated within the vicinity. The petitioner failed to undertake this exercise and repeated the same illegality which he has committed earlier. In the light of the above discussion, I am of the opinion that the lower Court has rightly set-aside the order of the petitioner. Hence, I do not find any merit in these Civil Revision Petitions and they are accordingly dismissed.

As a sequel to the dismissal of the Civil Revision Petitions, CRPMP Nos.4607, 4608, 4609, 4610, 4611 and 4612 of 2017 and

CRPMP No.8032 of 2016 filed in the respective revision petitions for interim relief are dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 24-08-2017
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