IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-02-2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2229 OF 2011

Mrs.V.Arul ... Appellant

-vs-

1. Inspector General of Registration,
   Office of the Inspector General of Registration,
   120, Santhome High Road,
   Chennai - 600 028.

2. Special Deputy Collector (Stamps),
   Cuddalore.

3. No.1 Villupuram Joint Sub Registrar,
   Villupuram,
   Villupuram District. ...Respondents

Appeal against the order, dated 23.02.2011, passed in proceedings Pa.Mu.No.42161/N3/2008, on the file of the Cheif Controlling Authority cum Inspector General of Registration, Santhome, Chennai.

For appellant : Mr.V.Babu

For respondents : Mr.M.Venkadesh Kumar,
Govt.Advocate (CS)

JUDGMENT

The appellant registered a house site by document No.3046/2007 on the file of third respondent, who referred the document to second respondent for proper valuation. The second respondent passed final orders on 31.07.2008, against which, the appellant preferred an appeal to the first respondent and the appeal was disposed of by the first respondent by his order, dated 23.02.2011, which is under challenge in the present appeal.

2. According to the appellant, she had presented five documents, which were registered during the relevant period i.e., between 01.01.2003 and 28.05.2008, wherein, the market value of the property was ranging between Rs.24/- and Rs.37/-

per sq.ft.; therefore, redetermination of the market value of the property by the second respondent at Rs.500/- per sq.ft. is exorbitant and arbitrary; the first respondent has fixed the market value of the property at Rs.3250/- per square metre and passed orders; and that the first respondent has neither issued any notice of inspection nor has he furnished the report submitted by the second respondent to her, before deciding the appeal.

3. Heard both sides.

4. On perusal of the impugned order, it is seen that no inspection of the property, as contemplated under Rule 11-A of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules,1968, in short, "the Rules", was done by the first respondent. Rule 11-A of the Rules reads as under :

> "11-A. Decision of the appellate authority. - The appellate authority may, for the purpose of deciding an appeal, -
>
> (a) call for any information or record from any public office, officer or authority under the Government or any local authority;
>
> (b) examine and record statements from any member of the public officer or authority under the Government or the local authority; and
>
> (c) inspect the property after due notice to the parties concerned."

5. The above Rule 11-A mandates that the appellate authority, while deciding an appeal, shall conduct inspection of the property. It is also a mandatory requirement that before conducting inspection, notice shall be given to the parties concerned. Further, it is mandated that ample opportunity be given to the parties concerned. Ample opportunity shall be furnishing of relevant material, which is relied upon by the authority, before taking a decision, to the party concerned, so that the party can put forth his or her defence against the material furnished. Denial of the material documents relied upon by the appellate authority will amount to violation of principles of natural justice.

6. In the instant case, it is evident that no inspection, as contemplated under Rule 11-A of the Rules, was conducted, much less no notice of inspection or supply of documents to the appellant was made by the appellate authority, namely, the first respondent. Failure to comply with the

mandatory requirements will vitiate the proceedings. In such circumstances, the impugned order passed by the first respondent is not legally sustainable and it is, accordingly, set aside.

7. Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected M.P.No.1 of 2011 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.120, Santhome High Road,
Chennai-28.

2. The Special Deputy Collector (Stamps)
Cuddalore

3. The Joint Sub Registrar No.1,
Villupuram.

4. The Chief Controlling Authority cum
Inspector General of Registration,
Santhome, Chennai.

+1cc to the Government Pleader, S.R.No.9510

+1cc to Mr.Venkatasamy Babu, Advocate in sr.no.9317 (07/06/18)

C.M.A.No.2229 OF 2011

rv(co)
cs/24/04/18