

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13180 of 2016

and

W.MP.Nos.11551 to 11553 of 2016, 2258 and 25346 of 2018

Futura Polyesters Limited
Mumbai and having its registered office
at Paragon Centre,
Pandurang Budhkar Marg,
Mumbai - 400 013 and rep by
its Authorised Signatory. Petitioner

vs.

1. Inspector General of Registration,
No.100, Santhom High Road,
Chennai - 600 028.
2. Central Valuation Committee,
Represented by its Chairman,
O/o the Inspector General of
Registration, Chennai.
3. District Registrar (Administration),
(In the cadre of Assistant Inspector
General of Registration),
North Chennai,
Chennai.

4. Sub-Registrar, Thiruvotriyur ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records relating to the Minutes of the Central Valuation Committee represented by its Chairman, O/o of the Inspector General of Registration, Chennai in file No.11255/L1/2016 dated 15.03.2016 the second respondent herein and quash the same in so far with respect to the passing of resolution of Agenda No.2 is concerned and consequently direct the respondents herein to adopt the value of Rs.700/- per square feet as fixed by the proceedings of the District Registrar (Administration), North Chennai and made in No.518/B3/2016, dated 28.01.2016 the third respondent herein with respect to the

properties comprised in S.Nos.21/1, 22, 23/1, 24,25 etc. Chinasekkadu village, Madhavaram Taluk, Thiruvallur District.

For Petitioner : Mr. V. Karrthick for M.Damodaran
Senior Counsel.

For Respondents : Mr.R.M.Pappaiah
Special Government Pleader
For RR 1 to 4

O R D E R

The minutes of the meeting of valuation committee held on 15.03.2016 which was communicated to the Sub-Registrar in proceeding No.11255/L1/2016 is under challenge in this writ petition.

2. The Learned Senior Counsel appearing on behalf of the writ petitioner contended that the initial market value fixed in respect of the property owned by the writ petitioner has been increased without following procedures contemplated under Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value Guidelines of Properties) Rules, 2010.

3. The Learned Senior Counsel states that, initially the market value was fixed at Rs.500/- per square feet and subsequently, the same was enhanced to Rs.700/- per square feet and thereafter to Rs.2000/- per square feet. The market value has not been properly assessed by the committee constituted for the purpose of assessing the value and the procedures contemplated also had not been followed by the committee while recording the minutes in this regard.

4. The Learned Special Government Pleader appearing on behalf of the respondent states that, the committee constituted had followed the procedures contemplated under the rules. However, certain factual aspects were not recorded in the minutes. Thus, there is no infirmity in respect of the order impugned in this writ petition.

5. This Court is of the opinion that, on a perusal of the minutes recorded by the valuation committee held on 15.03.2016, the procedures are not stated. Contrarily, enhancement of market value was done without reference to the procedures followed for arriving such conclusions. It is mandatory for the committee to follow the procedures contemplated under the rules. It is not as if they can decide the market value at their own wish, the procedures consideration of the grounds raised by the parties and other merits and demerits are also to be adjudicated and

findings are to be recorded in this regard by the committee.

6. At the outset, the order or minutes passed must be a speaking one and in the absence of any reasons for arriving such a conclusion, the Court has to draw an inference that the procedures contemplated had not been followed. In this view of the matter, the present writ petition is a fit case for remand. Accordingly, the valuation committee has to follow the procedures contemplated under the Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value Guidelines of Properties) Rules 2010, most specifically rule 3 and rule 4.

7. In view of this matter, the impugned minutes of the meeting of the Central Valuation Committee represented by its Chairman, O/o the Inspector General of Registration, Chennai in file No.11255/L1/2016 dated 15.03.2016 issued by the 2nd respondent is quashed. The respondents are directed to take the matter on file and conduct an inquiry by following procedures contemplated under rule 3 and 4 of Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value Guidelines of Properties) Rules 2010 by providing opportunity to all the persons concerned and thereafter take a decision and pass order on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. Writ petition stands partly allowed. There shall be no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Cs-V)

// True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1. Inspector General of Registration,
No.100, Santhom High Road,
Chennai - 600 028.
2. The Chairman,
Central Valuation Committee,
O/o the Inspector General of
Registration, Chennai.

3. District Registrar (Administration),
(In the cadre of Assistant Inspector
General of Registration),
North Chennai,
Chennai.

4.Sub-Registrar, Thiruvotriyur.

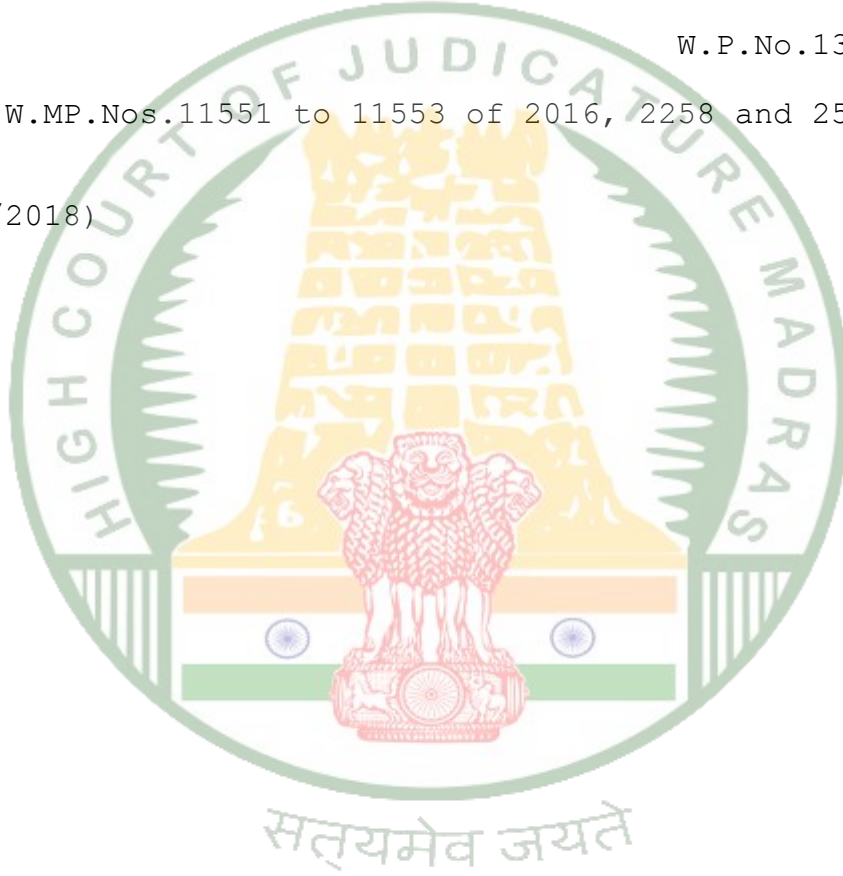
+lcc to Mr.N.Damodaran, Advocate SR.No.61491

+lcc to Government Pleader SR.No.61747

W.P.No.13180 of 2016
and

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RR(CO)
RMP(26/09/2018)



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