IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2147 of 2012

Subramania Gounder ... Appellant

Vs.

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

2. The District Revenue Officer (Stamps), Coimbatore.

3. The Sub Registrar, Ganapathy, Coimbatore District. ... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 47-A (10) of the Indian Stamp Act, 1899 against the order dated 28.07.2010 passed by the the Chief Controlling Revenue Authority-cum-Inspector General of Registration, Chennai, in his proceedings Pa.Mu.No.48476/N2/2008.

For Appellant : Mr.C.Prakasam

For Respondents : Mr.M.Venkadesh Kumar
Government Advocate (C.S)

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J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the order dated 28.07.2010 passed by the the Chief Controlling Revenue Authority-cum-Inspector General of Registration, Chennai/1st respondent, in his proceedings Pa.Mu.No.48476/N2/2008.

2. The learned counsel appearing for the appellant submitted that the surrounding lands have been valued at Rs.62/- per sq.ft., whereas, the registering authorities have adopted different value for his property alone. On appeal, the appellant submitted his willingness to undergo Samadhan Schemes was also

not accepted. On the other hand, the market value of the property was redetermined at Rs.425/- per sq.ft.

3. According to the appellant, there cannot be different rates for different persons in the survey number. Therefore, the contention made is that the 1st respondent has not applied his mind to those aspects and arrived at a finding on the basis of the reports submitted by the District Revenue Officer (Stamps), Coimbatore/2nd respondent, is palpably incorrect. Without prejudice to his rights, the appellant prays for referring the matter to Samadhan Scheme, which is in force.

4. From a perusal of the order passed by the 1st respondent, it is seen that the District Revenue Officer (Stamps), Coimbatore, redetermined the market value of the property at Rs.980.60 per sq.ft, whereas, on appeal made by the appellant, it was reduced to Rs.425/- per sq.ft., yet the appellant's grievance is over the redetermination of the market value.

5. The learned Government Advocate would submit that the "Samadhan Scheme" announced by the Government in G.O.Ms.No.189, Commercial Taxes and Registration (J1) Department, dated 29.12.2017. As per the Government Order, the appeals pending before the High Court as on 08.06.2017 are also covered by considering the remission of stamp duty.

6. In view of the submission made, a direction is issued to the Chief Controlling Revenue Authority-cum-Inspector General of Registration, Chennai/1st respondent, to consider the case of the appellant as per G.O.Ms.No.189, Commercial Taxes and Registration (J1) Department, dated 29.12.2017 for remission of stamp duty. Despite consideration, if the appellant has any grievance, it is open to him to take appropriate legal proceedings.

7. With the above observations, this Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.C.Prakash, Advocate, S.R.No.6792

+1cc to the Government Pleader, S.R.No.6559

C.M.A.No.2147 of 2012

RRK(10/04/2018)