IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 02-02-2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.889 OF 2012

Shaik Abdulla ... Appellant/Appellant

-vs-

1.Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai – 600 028.

2.District Revenue Officer (Stamps),
Collectorate, 5th Floor,
Singaravelar Maligai,
32, Rajaji Salai,
Chennai-1.

3.The District Registrar,
Cheyyur. ... Respondents/Respondents

Appeal against the order, dated 12.09.2011, passed in Order No.PA.MU.No.5979/N1/2010, confirming the order of the 2nd respondent herein in Na.Ka.CP. No.13/08/A5 dated 01.02.2010 and the order was revived on 14.10.2011.

For appellant : Mr.MA.Gouthaman

For respondents : Mrs.Madhumathi, Addl.Govt.Pleader.

JUDGMENT

This appeal is preferred against the order passed by the Inspector General of Registration, dated 12.09.2011. According to the appellant, he presented the document for registration. It was referred for determination of market value under Section 47-A (1) of the Indian Stamp Act,1899, in short, "the Act". The guideline value was Rs.15/- per sq.ft. and the Village Administrative Officer has also given a certificate to that effect. It is an agricultural land and an undeveloped area. Therefore, the market value determined by the respondent is erroneous. On appeal, the first respondent has also not

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applied his mind that it is an agricultural land and the document No.6880/2007 registered on the office of the District Registrar should not have been relied upon by the first respondent in determining the rate and, therefore, he seeks that the order of the first respondent be set aside.

2. The learned Government Advocate appearing for the respondents would submit that the property in question is situate in east-coast road and it fetches higher value; the rate fixed by the first respondent is far below the market value and, therefore, the order need not be interfered with.

3. Heard both sides.

4. From a perusal of the impugned order passed by the first respondent, dated 12.09.2011, it is seen that the order is passed on the basis of the report submitted by the District Registrar. The first respondent has not independently conducted any inquiry and decided the appeal. Whenever the appeal is decided under Section 47-A (5), it is expected that the appellate authority shall follow the procedure laid down under Rule 11-A of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules,1968, in short, "the Rules". In the instant case, no such inquiry appears to have been conducted and no notice was also given to the parties. Further, the District Registrar is the authority under Registration Act, but not the authority under the Indian Stamp Act. Therefore, any decision taken on the basis of the District Registrar's report is not sustainable. In such circumstances, this Court considers that the matter be decided by the appellate authority, namely, the first respondent, in consonance with Rule 11-A of the Rules. Accordingly, the order passed by the first respondent in his proceedings No.PA.MU.No.5979/N1/2010, dated 12.09.2011, is set aside and the matter is remitted back to the first respondent for fresh consideration, in conformity with Rule 11-A of the Rules. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. Civil Miscellaneous Appeal is ordered accordingly. No costs.

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Sd/-
Assistant Registrar(CS-ii)

//True Copy//

Sub Assistant Registrar

dixit

To

1.Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai – 600 028.

2.District Revenue Officer (Stamps),
Collectorate, 5th Floor,
Singaravelar Maligai,
32, Rajaji Salai,
Chennai-1.

3.The District Registrar,
Cheyyur.

+1cc to Mr.MA.GOUTHAMAN, Advocate, S.R.No. 8047
+1cc to the Government Pleader, S.R.No. 8584

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