

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33918 of 2018

M/s.Sandhya Hotels Pvt.Ltd.,
Sy.Nos.8607,90 and 91,
Sandhya Techno-I,
Opp.Sunshine Hospital, Raidurg Main Road,
Hyderabad 500 302, represented by its
Managing Director SARANALASREEDHAR,

.. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Mylapore, Chennai 600 004.
2. The District Revenue Officer (Stamps),
Office of the District Collector,
5th Floor, Singara Velar Maligai,
32, Rajaji Salai, Chennai 600 001.
3. The Sub Registrar,
Sub Registrar Office,
Neelangarai, Chennai

.... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal filed on 23.10.2017 against the order passed by the DRO (Stamps), Chennai 600 001 dated 10/2017, File No.Nil within a time frame fixed by this Court.

For Petitioner : Mr.K.Goviganesan

For Respondents : Mr.T.M.Pappiah

Special Government Pleader

ORDER

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the first respondent to dispose of the appeal filed on 23.10.2017 against the order passed by the DRO (Stamps), Chennai 600 001 dated 10/2017.

3. The petitioner-Hotel claims to have purchased a land comprised in Survey No.110/1B - 78 cents, Survey No.112/1B-48 cents, Survey No.112/2-24 cents, totalling measuring an extent of 1 acre and 50 cents, bearing patta Nos.1692 and 1684, situated at Semmencheri Village, Sholinganallur Taluk from one R.Prakash, by virtue of a Sale Deed dated 19.05.2017, registered as Document No.3575 of 2017 on the file of the Sub Registrar Office, Neelankarai for a total consideration of Rs.7,00,00,000/-. As there was no guideline value fixed for the said property at the time of purchase, the Sub Registrar, Neelankarai registered the property and thereafter, referred the same to the DRO (Stamps), Chennai 600 002. Thereafter, the petitioner gave a representation to the DRO (Stamps) narrating all the facts including that the sale consideration of the said property and the stamp duty paid were proper and requested him to fix the value of the said property and release the document. It is also stated that the land purchased by the petitioner is without access to the road and it can be used only for agricultural purpose and even for the lands adjoining the said land, guideline value has not been fixed. While referring the document to the DRO (Stamps), the Sub Registrar had fixed the property value as Rs.6,000 per square feet without even inspecting the land. The DRO (Stamps), Chennai inspected the property and stated that there was no passage to the said property and it is surrounded by patta lands and determined the market value of the property as Rs.3,500 per square feet, by order dated 10/2017. Aggrieved by the same, the petitioner preferred an appeal before the first respondent herein. Till date, the said appeal has not been taken up for disposal. In this regard, the petitioner also gave a representation to the first respondent on 18.01.2018. In spite of the said representation having been sent, the appeal was not yet taken up for hearing. Hence, the petitioner is before this Court for the relief stated supra.

4. Heard Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to take up the said appeal on file and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srn/av
To

1. The Inspector General of Registration,
Santhome, Mylapore, Chennai 600 004.
2. The District Revenue Officer (Stamps),
Office of the District Collector,
5th Floor, Singara Velar Maligai,
32, Rajaji Salai, Chennai 600 001.
3. The Sub Registrar,
Sub Registrar Office,
Neelangarai, Chennai

+2 Ccs to MR.K.Goviganesan, Advocate sr 88144.
+1 CC to Govt. Pleader sr 89480.

W.P.No.33918 of 2018

AK(CO)
SP(10/01/2019)

सत्यमेव जयते

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