

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9816 of 2020 and

W.M.P.No. 11935 of 2020

M/s.Chendur Forgings Limited,
Rep by its Authorised Representative
P.M.Murugappan
S/o.Late P.Harivasudevan
Having registered office at
No.21-E, ARK Colony, Eldams Road,
Alwarpet, Chennai 18.

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Government of Tamilnadu,
Santhome High Road, Chennai 4.
- 2.The District Registrar,
District Registrar of Assurances,
Krishnagiri District.
- 3.The Sub-Registrar,
O/o.The Sub Registrar, Kelamangalam,
Krishnagiri District.
- 4.The Sub Registrar,
O/o.The Sub Registrar, Hosur,
Krishnagiri District.
- 5.The Deputy Inspector General of Registration,
Salem.
- 6.The District Collector,
Krishnagiri 635 001.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 to 4 to rectify the mistake and classify the lands in Survey Numbers 192/1, 193/1, 193/2, 193/3 as "Residential Class I Type I, Mixed Type I" and fix the guideline value as per the category and pass orders.

For Petitioners : Mr.Akhil R Bhansali

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for R1 to R5
Mr.S.N.Parthasarathy,
Government Advocate for R6

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus directing respondents 1 to 4 to rectify the mistake with regard to the classification of the lands and consequently to fix a guideline value, based on the representation made by the petitioner on 02.03.2020.

2.The case of the petitioner is that the subject property has already been reclassified by the Government Order in G.O.Ms.No.203, dated 22.12.2015. According to the petitioner, the same was also published in the Tamilnadu Government Gazette on 20.04.2016. The grievance of the petitioner is that in spite of the order passed by the Government of Tamil Nadu, the respondents have not effected the necessary changes in their records and the property continues to fall under the industrial zone and therefore, the guideline value continuous to be on the higher side. According to the petitioner, the respondents will have to carry out the necessary changes in their records and treat the property as the one falling under mixed residential zone and consequently to fix the guideline value. The petitioner has made a detailed representation in this regard on 02.03.2020. Since the necessary changes were not effected by the respondents, the petitioner has approached this Court seeking for appropriate directions.

3.Heard, Mr.Akhil R Bhansali, learned counsel appearing on behalf of the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 1 to 5 and Mr.S.N.Parthasarathy, learned Government Advocate appearing on behalf of the sixth respondent.

4.The short point that arises for consideration in the present writ petition is the non-consideration of the representation made by the petitioner on 02.03.2020, wherein, the petitioner has sought for the reclassification of the lands as mixed residential area in line with the Government Order passed in G.O.Ms.No.203 dated 22.12.2015 and which was subsequently published in the Government Gazette on 20.04.2016. Since the lands have not been reclassified, the guideline value continuous to be on the higher side and which will ultimately result in the petitioners being burdened with

huge capital gains tax. It will also have further financial implications. Therefore, the petitioner has given a representation to the respondents to reclassify the lands and to fix the appropriate guideline value. Pending this process, the petitioner is also not in a position to proceed further to submit the documents for registration.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the first respondent to act upon the Government Order passed in G.O.Ms.No.203 dated 22.12.2015 which was published in the Government Gazette dated 20.04.2016 and direct the respondents 2 to 4 to carry out necessary changes in the records maintained by the office of the Sub Registrar and consequently fix the appropriate guideline value. This process shall be completed within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the representation dated 02.03.2020 and all other relevant documents along with a copy of this order. The copy of the representation shall also be marked to the respondents 2 to 4.

6.This writ petition is disposed of with above directions. No costs. Consequently, connected Miscellaneous Petitions is also closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vkrr

To

1.The Inspector General of Registration,
Government of Tamilnadu,
Santhome High Road, Chennai 4.

2.The District Registrar,
District Registrar of Assurances,
Krishnagiri District.

3.The Sub-Registrar,
O/o.The Sub Registrar, Kelamangalam,
Krishnagiri District.

4.The Sub Registrar,
O/o.The Sub Registrar, Hosur,
Krishnagiri District.

5.The Deputy Inspector General of Registration,
Salem.

6.The District Collector,
Krishnagiri 635 001.

+1cc to Mr.Akhil R Bhansali, Advocate SR.No.25541

+2cc to Government Pleader, High Court, Madras SR.No.25491,
25647

W.P.No.9816 of 2020 and

W.M.P.No. 11935 of 2020

RJI (CO)
GMY (20/08/2020)