In the High Court of Judicature at Madras

Dated : 03.1.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.10488 of 2017 & WMP.No.11379 of 2017

A.Johnson ...Petitioner

Vs

1.The Chief Controlling Revenue Authority/Inspector General of Registration, No.100, Santhome High Road, Chennai-28.

2.The Special Deputy Collector, Stamps, Tuticorin District, Tuticorin.

3.The Sub-Registrar, Nazarath. 628617. Tuticorin District. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Rc.No.37529/N5/N4/2014 dated 01.3.2017 on the file of the first respondent herein, quash the same and direct respondents 2 and 3 to release to the petitioner the original sale deed dated 03.2.2014 registered as document No.152 of 2014 on the file of the third respondent herein within a time frame as may be fixed by this Court.

For Petitioner :Mr.S.Subbiah, SC for Ms.Elizabeth Ravi

For Respondents:Mr.P.P.Purushothaman, GA

ORDER

I have heard Mr.S.Subbiah, learned Senior Counsel, assisted by Ms.Elizabeth Ravi, learned counsel on record for the petitioner and Mr.P.P. Purushothaman, learned Government Advocate for the respondents.

2. This writ petition has been filed challenging an order passed by the first respondent dated 01.3.2017 and for a consequential direction to respondents 2 and 3 to release the original sale deed dated 03.2.2014 registered as doc.No.152 of 2014 on the file of the third respondent herein by accepting the stamp duty remitted by the petitioner.

3. Mr.S.Subbiah, learned Senior Counsel, assisted by Ms.Elizabeth Ravi, learned counsel on record for the petitioner would contend that respondents 1 and 2 concurrently erred in not taking into consideration the document, which was referred to by the petitioner in respect of the property in S.F.No.218/2, which is in close proximity with the land purchased by the petitioner and that the valuation adopted in the said sale deed dated 19.8.2013 was not referred to and the same was simply brushed aside stating that it was for a different survey number and that there is an error apparent on the face of the orders passed by respondents 1 and 2.

4. In the considered view of this Court, both respondents 1 and 2 passed a detailed speaking order. The petitioner had adequate opportunity before both the Authorities. Furthermore, there is no perversity in the approach of respondents 1 and 2. The valuation adopted by the second respondent at Rs.2,350/- per square meter has been confirmed by the first respondent in the impugned order. On a perusal of the findings rendered by the first respondent, it is evidently clear that adequate concession has been granted to the petitioner by the second respondent by adopting the value of Rs.2,300/- per square meter. Though the guideline value is Rs.3,100/- per square meter, this concession was granted taking into consideration the location of the property, which was ascertained after an inspection was conducted. The first respondent clearly recorded that the value can be fixed at Rs.2,300/- per square meter because the land does not have a direct approach.

5. Further, from the counter filed by respondents 1 and 3, it is seen that the petitioner sold an extent of 372.73 square meter out of the land valued at Rs.3,100/- per square meter vide doc.No.2012 of 2013 dated 19.12.2013 in S.F.Nos. 127/8A and 127/3A in Ward No.6, Thiraviapuram of Nazareth Village. Thus, the petitioner is now estopped from contending that the value should not be fixed at Rs.2,300/- per square meter. Since the petitioner himself accepted the guideline value at Rs.3,100/- per square meter when he sold the adjoining extent of land, which is a subdivided extent in S.F.No.127. In the absence of any error in the manner, in which, the Authorities decided the matter, this Court is not inclined to interfere with the orders

passed by respondents 1 and 2.

6. Accordingly, the writ petition fails and is dismissed. No costs. Consequently, the connected WMP is also dismissed.

7. If the petitioner remits the deficit stamp duty along with other charges, the third respondent is directed to register and release the document within a period of two weeks from the date, on which, the entire deficit stamp duty and other charges are remitted.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//
Sub Assistant Registrar

To
1.The Chief Controlling Revenue Authority/
Inspector General of Registration,
No.100, Santhome High Road, Chennai-28.

2.The Special Deputy Collector,
Stamps, Tuticorin District, Tuticorin.

3.The Sub-Registrar, Nazarath. 628617.
Tuticorin District.

+1cc to Ms.Elizabeth Ravi, Advocate SR.375
+1cc to the Government Pleader SR.1301

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BR(CO)
CB(03/02/2020)