



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30-03-2021
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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C.M.A.No.1908 of 2018
And
C.M.P.No.14680 of 2018

R.Ramasamy

.. Appellant

Vs.

1. The Chief Controlling Revenue Authority and
Inspector General of Registration,
Santhome High Road,
Madras-600 028.
2. The Special Deputy Collector (Stamps),
Salem-Namakkal-Dharmapuri and
Krishnagiri Districts,
Salem.
3. The Joint Sub-Registrar-II,
Namakkal.

.. Respondents

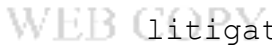
Civil Miscellaneous Appeal is filed under Section 47-A (10) of the Indian Stamp Act, 1899 read with Section 104 of the Code of Civil Procedure against the order of the learned Chief Controlling Revenue Authority and Inspector General of Registration dated 03.07.2018, which was received by the appellant on 10.07.2018 made in Na.Ka.No. 22244/N2/2014, confirming the order of the learned Special Deputy Collector (Stamps), Salem dated 28.02.2007 passed in SR No.706/2001/NKL.

For Appellant : Mr.C.Jagadish

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader.

JUDGMENT

The order impugned passed by the first respondent in proceedings dated 03.07.2018 under Section 47-A(5) of the Indian Stamp Act, is under challenge in the present Civil Miscellaneous Appeal.



3. It was an unfortunate situation where the civil litigation emerged for which the appellant cannot be penalised by the authorities.

5. Further, it is contended that the authorities have not followed the guideline value and they have committed an error in following same value as recommended by the Special Deputy Collector (Stamps). Thus, the entire assessment of market value is not determined by the first respondent-Inspector General of Registration and hence the order impugned is liable to be set aside.

7. This apart, when the Appellate Authority-first respondent arrived a conclusion that the market value determined by the Special Deputy Collector (Stamps) is appropriate and in consonance with the provisions of the Act and the Rules, there is no error in adopting the same market value and thus, the appellant cannot made a point that independent assessment is made.

9. This Court is of the considered opinion that



understanding of the Scheme of the Indian Stamp Act along with the Rules, namely Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968, there cannot be any doubt that the question of assessment of market value would arise only if an instrument/document is filed before the Competent Authorities under the provisions of the Statute.

10. An agreement for sale, which was not presented before the Competent Authority, cannot be a document to be considered for the purpose of assessment of market value in the Sale Deed, even if such agreement for sale is registered.

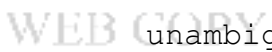
11. The agreement for sale is registered as an independent instrument and the value of the document was assessed and the stamp duty was paid in respect of such registered agreement for sale. Thus, the said agreement for sale cannot have any nexus or implication with reference to the Sale Deed, which is presented in any subsequent date.

12. Every instrument presented is to be assessed independently and therefore, the agreement for sale, which was entered into between the parties long back, cannot be taken into consideration for the purpose of determining the market value for levying stamp duty.

13. If such an analogy as raised by the appellant is accepted, then the same would result in disastrous consequences and the very spirit of the provisions under the Indian Stamp Act is diluted.

14. For example, if any person claims that the agreement for sale was entered into between the seller and the purchaser during the year 1990 and thereafter, a suit for specific performance is filed and the suit was disposed by the Trial Court after five years i.e., in the year 1995 and the First Appeal before the Appellate Court was pending for about 10 years and the Second Appeal was also pending before the High Court for another ten years and thereafter before the Supreme Court for another five years and after 35 years, the appellant will pay the stamp duty based on the market value, which was prevailing at the time of agreement for sale i.e., during 1990, then the very purpose of Indian Stamp Act is defeated and such an impracticable approach can never be adopted nor be contemplated by interpreting the provisions of the Indian Stamp Act.

15. Thus, for all purposes, the date of presentation of document before the Competent Authority under the Statute must be the date for determination of market value for the purpose of levying the stamp duty and any earlier agreement, memorandum of



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20. The first respondent-Inspector General of Registration considered the objections raised by the appellant and formed an opinion that as per the Enquiry Report of the District Registrar, Namakkal, the said property situate at



Namakkal, Mohanoor Road and nearby Kondichettipatti Bus Stand, one kilometer from Kondichettipatti Bus Stand.

21. Considering the vicinity and the other factors, including the development prevailing during the relevant point of time, the first respondent-Inspector General of Registration also formed an opinion that the market value fixed by the Sub Registrar as well as the Special Deputy Collector (Stamps), are in accordance with law and no further reduction is required.

22. When the Authority Competent formed such an opinion, there is no reason to interfere with the findings by the Courts unless such findings are established as perverse and not in accordance with law.

23. Courts are not expected to determine the market value of the property. Courts are not Expert Body to form an opinion regarding the market value of an immovable property. However, Courts are bound to scrutinise the manner through which such assessment is made by the Competent Authority and such assessment is determined by following the procedures contemplated under the Statute and the Rules.

24. This being the limited role of an Appellate Court under the Statute, this Court is of the considered opinion that the determination made deserves no interference as the Courts cannot form an independent opinion regarding the market value of the property.

25. In the present case, all the procedures are followed with reference to Rule 5 of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules and this Court could not find any perversity or infirmity.

26. In view of the facts and circumstances, the order impugned is not perverse and the order passed by the the first respondent-Inspector General of Registration dated 03.07.2018 stands confirmed and consequently, CMA No.1908 of 2018 is dismissed. However, there shall be no order as to costs and the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Chief Controlling Revenue Authority and
Inspector General of Registration,
Santhome High Road,
Madras-600 028.
2. The Special Deputy Collector (Stamps),
Salem-Namakkal-Dharmapuri and
Krishnagiri Districts,
Salem.
3. The Joint Sub-Registrar-II,
Namakkal.

+1cc to Mr.S.Senthil, Advocate, S.R.No.211871.

CMA No.1908 of 2018

CP(CO)
CSR 29.04.2021