IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No. 1900 of 2017

M/s.Bharat Petroleum
Corporation Ltd.,
Rep. By its Territory Manager,
Shri.V.Arul Muthunathan,
Having office at Irugur Top
Installation, Ravathur Post
Irugur (via), Coimbatore 641 103 ..Appellant

Vs

1.The Principal Revenue
Control Authority and Inspector
General of Registration,
100, Santhome High Road,
Chennai 600 028

2.The Special Deputy Collector (Stamps),
District Collector Office,
Coimbatore - 641 018.

3.The District Revenue,
Officer (Stamps),
District Collector Office Building Complex,
Coimbatore.

4.The Joint Sub Registrar-I,
102, State Bank Road,
District Collector Office Campus,
Coimbatore 641 018. ..Respondents

Appeal filed under Section 47-A (10) of the Indian Stamp Act, 1899, to set aside the impugned order dated 31.03.2017 of the first respondent made in Ref. Na.Ka.No.53933/N2/2015.

For Appellant : Mr.O.R.Santhanakrishnan

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

JUDGMENT

The judgment impugned dated 31.03.2017 passed under Section 47A(5) of the Indian Stamp Act is under challenge in the present civil miscellaneous appeal.

2. The document in respect of the subject property was

registered on 30.09.1999. The property situated at Survey No. 252/4, Block-7, R.S.Puram, Coimbatore town measuring 3418 sq ft. The District Revenue Officer, Stamps, determined the market value of the property as Rs.779 per sq.ft under Section 47A(2) of the Indian Stamp Act. The District Registrar, during enquiry, made a recommendation that the market value is to be fixed as Rs.1,000/- per sq ft. Challenging the said determination of the market value, the appellant preferred the appeal under Section 47A(5) of the Indian Stamp Act. The first respondent adjudicated the issues. Before filing the appeal, the appellant filed C.M.A.No. 2106 of 2011 which was disposed of by the High Court on 20.07.2011 and thereafter, the writ petitions were filed which were also subsequently disposed of by this Court. Thus, the point of limitation raised by the appellant deserves no merit consideration. Admittedly, the appeal filed under Section 47A(5) of the Act to set aside the market value fixed by the authority is under Section 47(a)(2) of the Indian Stamp Act.

3. Learned counsel on behalf of the appellant strenuously contended that there was a gross error on the part of the first respondent in holding that Form II notice was sent to the Corporation and there was no reply. Such a contention is incorrect and no such notice was received by the appellant Corporation. The determination of market value by the District Revenue Officer as Rs.779/- per sq ft is also erroneous in view of the fact that there are no guidelines for such fixation and the procedures contemplated under the Valuation Rules were also not followed by the authorities. The District Collector, in the present case, did not pass an order provisionally determining the market value of the property or the duty payable thereon along with notice in From-II calling upon the corporation to lodge their objections, if any, to such determination of the market value within the time specified. In the absence of any such order, the exercise done by the first respondent is liable to be scrapped.

4. Learned Special Government Pleader, objecting the contentions of the appellant, states that the procedures contemplated under the Rules were scrupulously followed by the respondents. The facts and circumstances as well as the grounds raised were considered by the authorities and the market value determined by the District Revenue Officer as Rs.779/- per sq ft was reduced to Rs.701/- per sq ft, considering the fact that the appellant is a government corporation. Therefore, the first respondent has already granted the concession and fixed the market value as Rs.701/- per sq ft.

5. Admittedly, the property is located in the prime locality and having commercial activities in D.B.Road, R.S.Puram, the registration was done by suppressing the fact that the property is having access to D.B.Road, more specifically, eastern boundary has suppressed. As per the

inspection report, the eastern boundary is facing DB Road. However, in the document it is stated as Survey No.252/5. Therefore, the appellant in order to evade the stamp duty suppressed the fact while registering the document. Those points were also considered by the first respondent while determining the market value of the property. However, further concession was acceptable taking note of the fact that the appellant is a Government corporation and therefore, there is no reason to interfere with the market value in the present case.

6. The powers of the Court to interfere with the determination of the market value of the property by the competent authority are undoubtedly limited. The State revenue is to be protected. The only question to be considered is that whether the authorities competent followed the procedures as contemplated under the statutory and the Rules or not? Once the procedures are followed and an opportunity was provided to the appellant to put forth their ground, the Courts are expected to be slow in interfering with such determination of market value which is an expert opinion arrived based on certain factual situation prevailing in a particular locality. The Court is not an expert body so as to determine the market value of the property. The Courts are bound to ensure that the guidelines enumerated under the statue and the rules are to be followed or not and if those procedures are followed by the authorities then the scope of interference is limited. Only on an exceptional circumstances, if the authorities have committed a competent irregularity or violated the principles of natural justice, then alone the Courts are expected to interfere with the orders and not otherwise.

7. The Court has to consider whether the guiding principles under Rule 5 of the Tamil Nadu (Stamp Prevention of undervaluation of instruments), Rules, 1938, is followed or not. Rule 5 is as under:

> "(i) classification of the land as dry, manavari, wet and the like;
> (ii) classification under various tarams in the settlement register and accounts;
> (iii) the rate of revenue assessment for each classification;
> (iv) other factors which influence the valuation of the land in question;
> (v) points, if any, mentioned by the parties to the instrument or any other person which requires special consideration;
> (vi) value of adjacent lands or lands in the vicinity;
> (vii) average yield from the land, nearness to road and market, distance from village site, level of land, transport facilities, facilities available for irrigation such as

tank, well and pumpsets;
(viii) the nature of crops raised on the land; and
(ix) the use of land,domestic,commercial, industrial or agricultural purposes and also the appreciation in value when an agricultural land is being converted to a residential, commercial or an industrial land."

8. The authorities competent while determining the market value are bound to consider the classification of land and other factors which influence the valuation of the land in question and the valuation of the adjacent lands in the vicinity. The findings of the first respondent in the impugned order reveals that the property situate at R.S.Puram, Coimbatore, is a prime locality. The appellant has suppressed the fact that the eastern side of the subject property is facing towards D.B.Road. However, they have stated the Survey No.252/5 and under valued the document. This exactly the reason for raising the objection by the authorities and the inspection was conducted. During the inspection by the Department, the authorities found that the subject property situate at 3 kms from the District Registrar Office at R.S.Puram DB Road and the petrol bunk belongs to the appellant is functioning. In northern side, Ponnurangam Salai and Rani Hotel are situated, and in eastern side Diwan Bahathur Salai (BD Road) and in the southern side, buildings were found. Thus, the subject property is in a commercial place in D.B. Road and considering those factors, the market value was determined by the Inspector General of Registration. Though the District Revenue Officer fixed a sum of Rs.779/-per sq ft, the first respondent Inspector General considered the fact that the appellant is a Government corporation and fixed a sum of Rs.701/- per sq ft.

9. This being the factum, this Court is of the considered opinion that there is no further scope to interfere with the determination of the market value fixed by first respondent and, accordingly, the order impugned dated 31.03.2017 stands confirmed and the civil miscellaneous appeal is dismissed. No costs. Consequently, connected C.M.P.No. 10144 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Ssm

To

1.The Principal Revenue Control Authority and Inspector General of Registration,100, Santhome High Road, Chennai 600 028

2.The Special Deputy Collector (Stamps), District Collector Office, Coimbatore - 641 018.

3.The District Revenue, Officer (Stamps), District Collector Office Building Complex, Coimbatore.

4.The Joint Sub Registrar-I, 102, State Bank Road, District Collector Office Campus, Coimbatore 641 018.

+1cc to the Government Pleader, S.R.No. 17582

C.M.A.No. 1900 of 2017

GMI(CO)
GN(17/04/2021)