



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.16341 of 2021

P.V.Selvaraj

... Petitioner

/Vs./

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Registration Department,
District Registrar Office,
Dindigul, Dindigul District.

3.The Sub-Registrar,
Joint-I, Sub-Registrar Office,
Palani, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order issued by the 3rd respondent in Na.Ka.No.1086/AaPa.Pi/2021 dated 09.04.2021 and quash the same as illegal and without any legal basis and consequently directing the 3rd respondent to refix the guideline value in the light of the Revenue Records relating to Survey No.651/1 situated at Ayyampulli Village, Palani Taluk, Dindigul District.

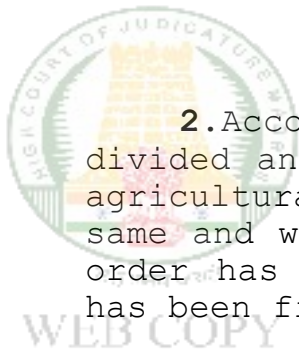
For Petitioner : Mr.S.Sadeskumar

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent dated 09.04.2021 rejecting the petitioner's request for fixation of guideline value for his property on the ground that the subject property is an agricultural land. Under the impugned order, the petitioner's request has been rejected on the ground that the lands comprised in S.Nos.650 and 651 of Ayyampulli Village, Palani Taluk, Dindigul District, were converted from agricultural land category to house site category and the guideline value for the lands was also changed from the agricultural land category to house site category. According to the respondents, the said conversion was done as per the proceedings issued by the District Registrar, Palani, dated 24.12.2014. Aggrieved by the finding of the third respondent under the impugned order, this writ petition has been filed.



2. According to the petitioner, the lands have already been sub-divided and the petitioner's land falls in S.No.651/1, which is an agricultural land. However, by total non-application of mind to the same and without affording any opportunity of hearing, the impugned order has been passed. In such circumstances, this writ petition has been filed.

3. A counter affidavit has been filed by the third respondent reiterating the contents of the impugned order.

4. Heard Mr.S.Sadeskumar, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, appearing on behalf of the respondents.

5. The learned counsel appearing for the petitioner submits before this Court that by total non-application of mind to the fact that the petitioner's property falls in S.No.651/1 and also to the fact that the petitioner's land has already been sub-divided and it is an agricultural land, the impugned order has been passed. He also drew the attention of this Court to various documents filed along with this writ petition including the sale deed dated 03.12.2014 standing in the name of the adjacent land owner bearing document No.2648/14 as well as the copy of the patta issued by the concerned revenue authority in favour of the petitioner's family members, after sub-division of S.No.651 situated at Ayyampulli Village, Palani Taluk, Dindigul District. According to the petitioner, after the said sub-division, the petitioner's property falls in S.No.651/1, which is an agricultural land.

6. As seen from the impugned order, the contentions of the petitioner in this writ petition have not been considered. According to the petitioner, S.No.651 has already been sub-divided and joint patta has been issued in favour of the petitioner's family members, after subdivision of S.No.651/1, which is the petitioner's property. According to the petitioner, S.No.651/1 is an agricultural land and therefore, the guideline value will have to be fixed only by treating the said land as an agricultural land.

7. It is also the contention of the writ petitioner that only due to the fixation of higher guideline value for the petitioner's land, he is unable to alienate his property. Since the third respondent has not considered the contentions of the petitioner that have been raised in this writ petition and no opportunity of hearing has been granted to the petitioner, this Court is of the considered view that the principles of natural justice have been violated by the third respondent before passing the impugned order. Further, being a non-speaking order as regards the contentions raised by the petitioner in this writ petition, the impugned order has to be necessarily quashed and the matter has to be remanded back for fresh consideration on merits and in accordance with law, after affording



a fair hearing to the petitioner including granting him the right of personal hearing.

8.For the foregoing reasons, the impugned order dated 09.04.2021 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing. The third respondent is also directed to pass final orders, in the aforesaid terms, within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is permitted to file all the necessary documents before the third respondent, in respect of his contentions.

9.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Inspector General of Registration,
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- 2.The District Registrar,
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+1 CC to M/s.SPL.GP (SR-16851[F] dated 06/04/2022)

W.P.[MD]No.16341 of 2021
05.04.2022

SB(CO)

KB(25.04.2022) 3P 5C