



W.P.(MD)No.26368 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26368 of 2022

Ranjithkumar, S/o.Palanichamy

.. Petitioner

Versus

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Deputy Inspector General of Registration,
Combine Registration Department,
Rajagambeeram Post,
Y.Othakadai, Madurai – 625 107.
- 3.The District Registrar,
(Administration) (AIG Cadre),
Combined Registration Department,
Collectorate Campus,
Dindigul, Dindigul District.
- 4.The Special Deputy Collector (Stamps),
Old Ramnad Office Building,
Alwarpuram, Collector Office Road,
Opposite to Anna Bus Stand,
Madurai – 625 020.
- 5.The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.
- 6.The Sub-Registrar,
Registration Department,
Aathoor, Aathoor Taluk, Dindigul District.



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7.The Village Administrative Officer,
Pachamalayankottai Village,
Aathoor Taluk, Dindigul District.

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to expedite the action of rectifying the mistake of wrong noting of the guideline value fixed for the entire larger extent of lands to an extent of 4 acres 47 cents comprised in Survey No.150/8, situated at Pachamalayankottai Village, Aathoor Taluk, Dindigul District, as a house site Kudiyiruppu area, Rank-I, Type-I instead of fixing the guideline value by treating the same as Punja land to an extent of 3 acres 27 cents owned by the petitioner by considering the classification of the land as Punja land by the respondents 5 and 7 and in the light of the communications, dated 06.02.2020, 23.12.2020, 20.01.2021 and 29.07.2021 of the third respondent in Na.Ka.No.4268/A5/2019 as well as the letter issued by the second respondent, dated 30.06.2022 in Letter No. 6191/A3/2002.

For Petitioner : Mr.R.Thangapandian

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents herein to expedite the action of rectifying the mistake of wrong noting of the guideline value fixed for the entire larger extent of lands to an extent of 4 Acres and 47 Cents, comprised in Survey No.150/8, situated at Pachamalayankottai Village, Aathoor Taluk, Dindigul District, as a house



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site, Kudiyiruppu area, Rank-I, Type-I instead of fixing the guideline value by treating the same as Punja land to an extent of 3 Acres and 27 Cents owned by him by considering the classification of the land as Punja land by the respondents 5 and 7 and in the light of the communications, dated 06.02.2020, 23.12.2020, 20.01.2021 and 29.07.2021 of the third respondent in Na.Ka.No. 4268/A5/2019 as well as the letter issued by the second respondent, dated 30.06.2022 in Letter No.6191/A3/2002.

2. Heard Mr.R.Thangapandian, learned counsel appearing for the petitioner; Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, on 13.11.2014 and 30.11.2015 through the registered sale deeds, bearing Document Nos. 1275/2014 and 1430/2015 respectively, the petitioner and his brother namely, Perumal have purchased the agricultural Punja land, bearing S.No.150/8, measuring an extent of 2 Acres and 85 Cents and another 42 Cents in the same survey number out of total extent of 4 Acres and 47 Cents, situated at Pachamalayankottai Village, Aathoor Taluk, Dindigul District. After purchase of the said lands, the Patta also got transferred in the name of the petitioner



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and his brother. According to the learned counsel for the petitioner, in all the revenue records, the land in question has been mentioned as Punja land. However, on 26.03.2015 and 03.08.2015, a portion of the land owned by others in the said survey number namely, an extent of 1400 sq.ft. and 570 sq.ft. were sold and sale deeds also registered as house site before the sixth respondent. Hence, the Registration Department noted the entire extent of the lands in the said survey number as 'House Site', Kudiyiruppu area, Rank-I, Type-I and increased the guideline value amount. In this regard, the petitioner has sent several representations and finally, sent a representation to the first respondent/District Collector on 28.10.2022.

4. On receipt of the said representations, the third respondent/the District Registrar, vide his letter dated 06.02.2020, directed the sixth respondent/Sub-Registrar, requesting to forward the Encumbrance Certificate along with his report. Again, on 23.12.2020, the third respondent directed the sixth respondent to forward the "A" Register and Encumbrance Certificate along with his report. Thereafter, on 20.01.2021 and 29.07.2021, the third respondent sent communications to the petitioner stating that the said irregularities in fixing the guideline value for the entire extent of land in S.No. 150/8 as a house site will be rectified. Further, on 30.06.2022, the second respondent sent a communication to the petitioner stating that necessary proposal will be placed before the District Committee for rectifying the wrong



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noting of guideline value fixed, by showing the land as a house site instead of fixing the guideline value in terms of agricultural Punja lands. However, no rectification has been carried out so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents submitted that as per Section 47-AA of the Indian Stamp Act, 1899, the State Government shall, by notification, constitute a Valuation Committee under the Chairmanship of Inspector General of Registration and such other member as may be specified for estimation, publication and revision of market value guidelines of properties in any area in the State at such intervals and in such manner as may be prescribed, for the purpose of Section 47-A of the Act. The Valuation Committee is the final authority for the formulation of policy, methodology, and administration of the market value guidelines in the State and for the said purpose, may constitute valuation sub-committee in each District, comprising of such members as may be prescribed, for estimation and revision of the market value guidelines. The Sub-Committee so constituted, shall function under the Valuation Committee and shall follow such procedures as may be prescribed, and shall be subject to reconstitution whenever found necessary. The learned Additional Government Pleader further submitted that the first respondent/District Collector is the competent authority to look into the grievance of the petitioner.



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6. In view of the above, except the District Collector no other authority of the Registration Department to decide about the stamp duty payable in respect of any instrument covered under Section 47-A of the Indian Stamp Act, 1899 and the guideline value is not a market value and the District Collector has to inspect the property and hold an enquiry and it is mandatory for the District Collector to issue notice and after following the procedures established, pass appropriate orders. Hence, the petitioner's claim will be considered by the first respondent, who is the competent authority under the Central Valuation Committee and he has to adjudicate the matter. The said Committee has to issue notice to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of 20 weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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