



W.P.No.6779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6779 of 2023 and
W.M.P.No.6873 of 2023

R.Usharani

... Petitioner

Vs

1.The Inspector General of Registration,
Government of Tamil Nadu,
Santhome, Chennai – 28.

2.The Deputy Inspector General of Registration,
Cuddalore, Cuddalore District.

3.The District Registrar (Administration),
Virudachalam, Cuddalore District.

4.The Sub Registrar,
Tittagudi, Cuddalore District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka.No.6111/AA/2022 dated 05.12.2022 and quash the same as being without any jurisdiction and consequently direct the respondents to reduce the Guideline value for the property situated in Survey No.18/1, 18/2 and 18/5 in Tittagudi Village, Tittagudi Taluk and Cuddalore District within the Sub Registration District, from Rs.550/- to Rs.107/- by



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taking into consideration the various parameters set out for fixation of guideline value vide Tamil Nadu Stamp (constitution of valuation committee for Estimation publication and revision of Market value guideline of properties) Rules 2010 in G.O.Ms.No.75, Commercial Taxes and Registration (J1), dated 01.06.2010.

For Petitioner : Ms.Dakshayini Reddy
for Mr.P.Rajavel

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka.No.6111/AA/2022 dated 05.12.2022 and quash the same as being without any jurisdiction and consequently direct the respondents to reduce the Guideline value for the property situated in Survey No.18/1, 18/2 and 18/5 in Tittagudi Village, Tittagudi Taluk and Cuddalore District within the Sub Registration District, from Rs.550/- to Rs.107/- by taking into consideration the various parameters set out for fixation of guideline value vide Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation publication and revision of Market value guideline of properties) Rules 2010 in G.O.Ms.No.75, Commercial Taxes and Registration (J1), dated 01.06.2010.



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2. The petitioner in Survey No.18/1, 18/2 and 18/5 situated at Tittagudi Village, Tittagudi Taluk and Cuddalore District to the extent of 1.60 acres has developed a layout called T.P.T. Garden and when this was placed for the respondents for fixation of market value, the 2nd respondent had passed an order on 05.12.2022 to refuse to fix the market value stating the reason that, the said layout should have been approved by the concerned authorities without the approval as contemplated under G.O.Ms.No.79, Housing and Urban Development (UD4(3)) dated 04.05.2017, the plea raised by the petitioner cannot be considered, therefore it has been rejected through the order impugned dated 05.12.2022 by the 2nd respondent.

3. Assailing the said order, Ms.Dakshayini Reddy, learned Senior Counsel appearing for the petitioner would submit that the reason cited by the 2nd respondent is *non est* because the petitioner already approached the concerned authority viz., the Director of Town and Country Planning and in this case, the Assistant Director of Town and Country Planning, Villupuram, who, having considered the plea of the petitioner, has given the approval by order dated 25.04.2018, pursuant to which, the petitioner also approached the local authority viz., Tittagudi Town Panchayat and the Executive Officer



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of the said Town Panchayat also passed an order giving approval on 17.07.2018 despite this approval having been given by the Director of Town and Country Planning as well as the local authority which has been produced before the 2nd respondent, it is not known as to why the 2nd respondent has taken such a decision that the petitioner had not obtained the approval from the concerned authorities within the meaning of G.O.Ms.No.79 referred to above and therefore the said reason cited in the impugned order would not stand in the legal scrutiny, she contended.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents who would submit that, insofar as the fixation of the value for the property for the purpose of registration is concerned, that has to be undertaken only after getting the necessary approval from the concerned planning authorities as well as the local authorities since that has been insisted in that G.O. referred to above, probably that reason might have been stated by the 2nd respondent, therefore the learned Special Government Pleader would submit that the said order cannot be found fault with for the said reason.



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5. I have considered the said submissions made by both sides and

have perused the materials placed before this Court.

6. As has been rightly pointed out by the learned Senior Counsel appearing for the petitioner, the petitioner has already obtained the necessary approval from the Assistant Director of Town and Country Planning, Villupuram and also from Tittagudi Town Panchayat who is the local authority wherein the proposed layout was approved on 17.07.2018 and these two orders have been filed before this Court in the typed set of documents.

7. When that being so, why the 2nd respondent has taken such a stand is not known, despite the said orders having been taken note of by the 2nd respondent in Reference No.5 and 6 in the impugned order, still the 2nd respondent has passed the impugned order rejecting the plea of the petitioner from getting approval from concerned authorities within the meaning of G.O.Ms.No.79.

8. The said stand taken by the 2nd respondent as reflected in the



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impugned order in the aforestated facts and circumstances would not stand in the legal scrutiny in the considered opinion of this Court, hence the following orders are passed in this writ petition:

That the impugned order is set aside. The matter is remitted back to the respondents for reconsideration. While reconsidering the same, the plan approval as well as the building approval, whatever may be, obtained by the petitioner from the Town and Country Planning authorities as well as the local authority shall be taken into account and thereafter, after giving an opportunity of being heard to the petitioner, the plea of the petitioner shall be considered and decided on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order : Yes / No



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To

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R.SURESH KUMAR, J.

Sgl

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