



W.P.No.27319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.27319 of 2022

V.Saroja

.... Petitioner

Vs

1.The Inspector General of Registration
Office of the IG, Registration Department
No.100, Santhome High Road
Santhome, Chennai - 600 004.

2.The Collector
The Collectorate Office
Ranipet District.

3.The Commissioner
Ranipet Municipality
Ranipet District.

4.The District Registrar
Ranipet Registrar's Office
Ranipet District.

5.The Sub-Registrar
Sub-Registrar's Office
Ranipet District.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein especially the second and fourth respondents to consider the petitioner's representation dated 01.07.2022 and reminders dated 30.07.2022, 08.08.2022 by conducting enquiry for determining the correct residential market value of the Municipal Quarters in issue as per Section 47(A) of the Indian Stamp Act, within a stipulated time frame as fixed by this Court.

For Petitioner : M/s.Eswar, Kumar & Rao

For Respondents : Mr.V.Manoharan
Additional Government Pleader
for R1 to R5

ORDER

The petitioner's husband was a School Headmaster in a school run by Ranipet Municipality. He occupied a certain LIG apartment as a tenant and has been paying rent. While so, he also opted to purchase the said property, and the Municipality passed a resolution permitting it. The issue now before the Court is about valuing the property site at the guideline value for residential area and not at the guideline value for commercial area, whereas the guideline value of the said property has been fixed by the Government at commercial value.



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2. The learned counsel for the petitioner brought to the notice of the Court that the order passed by the learned Single Judge of this Court in W.P.No.27819 of 2014 dated 17.03.2015, for an identical one, and this was further clarified by the said learned Judge vide his order dated 21.07.2015 in MP.No.1 of 2015 in W.P.No.27819 of 2014, wherein the learned Judge has ordered as below :

"5. Now, the grievance of the petitioner is that instead of adopting the guideline value for residential premises, the second respondent is adopting the guideline value for commercial area. It has to be pointed that in paragraph No.8 of the order dated 17.03.2015 in W.P.No.27819 of 2014, a finding has been rendered to the effect that the property in question was a residential quarters allotted to the petitioner, while he was in service as a Secondary Grade Teacher in the Municipal School and therefore, the question of applying commercial value to the suit property does not arise. Even assuming that any proceedings have been issued by the second respondent to that effect, it has to be necessary to hold that such a proceedings are not tenable. Furthermore, the respondents appeared to have accepted the said finding and have not preferred any appeal against the said order. Therefore, the second respondent has to adopt the guideline value of the property as on 29.08.2013 as applicable to the residential premises and thereafter, issue time to the petitioner to remit the amount in accordance with the direction already issued. M.P.No.1 of 2015 is disposed of with the above clarification."



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3. Turning to petitioner's prayer is concerned, this Court is of the view that the petitioner may have to move the Valuation Committee headed by Inspector General of Registration under Section 47AA of the Indian Stamp Act, for it is this Committee that is vested to have an authority for fixing the guideline value.

4. The petitioner is required to approach the Valuation Committee with a representation within a period of three weeks from the date of receipt of a copy of this order, whereupon the Committee is required to take note of the orders passed by this Court in MP.No.1 of 2015 in W.P.No.27819 of 2014, and consider the representation of the petitioner within twelve weeks thereafter, in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs.

25.07.2023

Index : Yes / No
Speaking order / Non-speaking order
ds



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