IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM : JUSTICE N.SESHASAYEE

C.M.A.No.2332 of 2023
and CMP.No. 22141 of 2023

1.Vinod Kumar Rathi, HUF
(PAN AAEH8201L)
Rep by its Kartha Vinod Kumar Rathi

2.Samrat Rathi, HUF
(PAN ABAHS2623G)
Rep by its Kartha Samrat Rathi ..... Appellants

Vs

1.Tamil Nadu Chief Controlling Revenue Authority
cum Inspector General of Registration
Chennai - 600 028.

2.The District Revenue Officer (Stamps)
Office of the District Revenue Officer (Stamps)
V Floor, Singaravelar Maaligai
Rajaji Salai
Chennai - 600 001.

3.The Deputy Inspector General of Registration
Chennai - 600 028.

4.The District Registrar (Administration)
Office of the District Registrar, Thiruvallur
Thiruvallur.

5.The Sub-Registrar
Office of the Sub-Registrar, Perambakkam
Jothi Ramalinga Nagar
Perambakkam
Kancheepuram District - 631 402. ..... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 47A(1) of the Indian Stamps Act, praying to set aside the order dated 07.08.2023 in Na.Ka.35191/N1/2022, passed by the Chief Controlling Revenue Authority / Inspector General of Registration, Chennai - 600 028, viz., the first respondent herein.

For Appellants : Mr.T.S.Baskaran

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader [R1 - R5]

JUDGMENT

Aggrieved by what the appellants consider there is an arbitrary violation by the Inspector General of Registration under Sec.47A of the Stamp Act, the appellants are before this Court.

2. The brief facts of the case is :

(a) On 06.06.2022, the appellants had purchased a block of 3.75 acres of land in Sy.Nos.353/1, 33/2A, 353/3A, 353/3B, 353/3C, 354, 367/1 and 353/2B in Mappedu Village in Thiruvallur Taluk, for a total sale consideration of Rs.2,38,35,000/-. According to the appellants, the guideline value for this block of property valued between Rs.36,850/- to Rs.43,550/- per cent, however, the appellants had reckoned it at Rs.63,560/- per cent, and paid appropriate stamp duty.

(b) On the very next day (07.06.2022), the Sub-Registrar concerned had referred the matter to the Special Deputy Collector (Stamps) under Section 47(A)(1) of the Act. The Special Deputy Collector (Stamps) came out with a provisional order under Section 47A dated 12.09.2022, wherein he asserted that the value of the property on the date of the sale deed involved in this case was Rs.500/- per sq.f.t, and later he confirmed the same with his proceedings dated 10.10.2022.

(c) This proceedings of the Special Deputy Collector (Stamps) was challenged by the appellants herein before the Inspector General of Registration, and the later vide his order dated 07.08.2023, reduced the market value of the property as determined by the Special Deputy Collector (Stamps) to Rs.370/- per sq.ft.

This is now under challenge.

3.1 The learned counsel for the appellants submitted that the appellants have obtained data on the guideline value by invoking RTI, and as per the proceedings made available by the Public Information Officer cum the Sub-Registrar concerned, dated 16.06.2023, the guideline value for the properties covered under the sale deed, was between Rs.36,850/- to Rs.43,550/- per cent,. He also drew the attention of this Court to the said guideline value which formed part of his typed set of papers. The learned counsel added that neither the Special Deputy Collector (Stamps) nor the Inspector General of Registration has justified or explained how they arrived at the figure which they quote in their respective proceedings. He submitted that even though the Inspector General of Registration has reduced the market value from Rs.500/- per sq.ft. to Rs.370/- per sq.ft., still it is an arbitrary figure unsupported by any evidentiary material.

3.2 The learned counsel would further submit that there is another property comprised in Sy.No.366, which was transacted vide sale deed dated 16.06.2022, and this sale deed was accepted at the guideline value of Rs.65,000/-, as fixed by the authorities without a demur, and this property faces the village road, whereas the present property lies interiorly, whose value cannot be more than the value of the property covered in Sy.No.366.

4. Per contra, the learned Additional Government Pleader submitted that the sale deed describes the property as a block of dry land, which implies the property is not an agricultural property, and hence, it has to be valued as a house site and that precisely what the authorities have done, and justified the order of the Inspector General of Registration.

5. After weighing the rival submissions, this Court finds that there are more than one reason why this Court needs to interfere with the proceedings of the Inspector General of Registration:

a) the fact that the property lies fallow does not *ipso facto* imply that it should be treated as a house site; that it may be fit for conversion into a house site cannot weigh in the minds of the authorities today when it is not so.

b) guideline may not bind the parties who transacts an immovable property, but it does bind the authorities. If the authorities have to deviate from the guideline value, then it has to justify with tangible material for the decision to deviate. Neither the proceedings of the Special Deputy Collector (Stamps) nor the proceedings of the Inspector General of Registration provides any reason for these authorities to assert Rs.500/- or Rs.370/- per sq.ft. as the case may be, as the market value of the property. Very apparently, these figures are plucked from thin air and legal parlance absolutely arbitrarily.

Necessarily the proceedings cannot be sustained and have to go.

6. The learned Additional Government Pleader would now intervene to make a statement that the guideline value of the property is Rs.65,000/- per cent, but then, that goes against the information provided by the Public Information Officer cum Sub-Registrar, Perambakkam dated 16.06.2023. Therefore, this Court may not countenance the said contentions of the learned Additional Government Pleader.

7. To conclude, the appeal is allowed and the order of the first respondent, the Tamil Nadu Chief Controlling Revenue Authority cum Inspector General of Registration, dated 07.08.2023 is set aside. The Sub Registrar concerned is now required to release the sale deed forthwith. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2023

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

To:

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Jothi Ramalinga Nagar, Perambakkam
Kancheepuram District - 631 402.

6.The Section Officer, VR Section, High Court, Madras.

N.SESHASAYEE.J.,

ds

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