BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 03.11.2022

ORDER PRONOUNCED ON : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.17788 of 2015
and M.P(MD).Nos.2 & 3 of 2015

1.K.Padmakumar

2.S.Indira ....Petitioners

Vs

1.The Government of Tamil Nadu
Represented by its Secretary
Department of Registration
Fort St.George
Chennai 600 009

2.The Inspector General of Registration
Raja Annamalaipuram
Chennai 600 028

3.The Sub-Registrar
Boothapandi
Thovalai Taluk
Kanyakumari District

4.The Valuation Committee
Represented by the Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028

5.The Valuation Sub-Committee
Represented by its Chairman-cum-District Collector
of Kanyakumari
At Nagercoil
Kanyakumari District ....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent pertaining to his order in Survey Numberwise Guideline values from 01.04.2012 for Survey Number 754/8 of Anandapuram Village, Thovalai Taluk, Kanyakumari District and Survey Nos.541/1, 541/2, 542/2, 551/5, 551/6, 553/5, 551/2, 551/3, 551/4, 551/8, 551/9, 551/11, 552/1, 552/2, 552/5, 552/6, 553/2, 553/3, 554/3, 554/4, 554/5 and 554/7 of Thidal Village, Thovalai Taluk, Kanyakumari District published on the Internet and quash the same.

For Petitioner : Mr.K.N.Thambi

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

ORDER

The present writ petition has been filed challenging the records of the second respondent herein dated 01.04.2012 under which he has fixed the guideline value for certain survey numbers mentioned in the prayer.

2.According to the learned counsel for the petitioners, the petitioners have purchased various landed properties in Anandapuram Village, Thovalai Taluk, Kanyakumari District under various sale deeds between 2007 to 2011.

There was a revision of guideline value for survey numbers in the Kanyakumari District with effect from 01.04.2012. In the said revision, the guideline value of the lands were unrealistically, unconscionably and illegally enhanced. The enhancement was as much more than 26 times the previous value. The said revision of guideline values are without jurisdiction, arbitrary, malafide and unsustainable.

3.The learned counsel for the petitioners had further contended that though there was no noticeable increase in the market value of the concerned lands, the guideline values have been exorbitantly increased without any basis whatsoever. The impugned guideline value was done without following the procedure as contemplated under Rule-5 of the Tamil Nadu Stamp (Constitution of Valuation Committee for Estimation, Publication and Revision of Market Value, Guidelines of Properties), Rules 2010 (hereinafter called as 'Rules').

4.The learned counsel for the petitioners had further contended that survey numbers mentioned in the properties are only fit for cultivation. However, the impugned guideline market values show as if the lands are residential Class-III Type-I. A perusal of the impugned guideline value published by the second respondent herein will clearly disclose that survey numbers which are located in the prominent locality have been fixed with lesser guideline value but the remote and undeveloped locality have been valued at a higher rate. Hence, according to the learned counsel for the petitioners, the very fixation of the guideline value is arbitrary. He had further contended that exorbitant increase of the guideline value would affect the constitutional rights of the petitioner as contemplated under Article 300-A of the Constitution of India.

5.The learned counsel for the petitioners had further contended that the petitioners are dire in need of selling their properties and utilize sale proceeds for education of their son and marriage of their daughter. However due to unrealistic, unconscionable and un-affordable stamp duty to be paid on sale deeds, the prospective purchasers are shying away from purchasing the properties. Hence, the entire livelihood of the petitioners's family is affected.

6.Despite repeated request to the respondents to redress the above said grievance, including a revision of the petitioners dated 05.01.2015 has not yielded any result.

7.The learned counsel for the petitioners had further contended that the Rules have not been followed strictly before arriving at the guideline value. According to the petitioners, the guideline values are arbitrary and illegal without following the procedure as contemplated under Rule 4 and 5 of the above said Rules. Hence, he prayed for allowing the writ petition and setting aside the guideline value fixed by the second respondent herein with effect from 01.04.2012.

8.Per contra, the learned Additional Government Pleader had contended that the guideline values have been fixed strictly in accordance with Rules after following Rule 4 and 5 of the said Rules. Every year, the market value is being revised. However, the guideline value for the purpose of the Registration are being revised only once in 5 years. The learned Additional Government Pleader had further contended that there was a revision in the year 2007 which was followed by another revision in the year 2012. Thereafter, there was another revision in the market value guideline of the properties in the year 2017.

9.The learned Additional Government Pleader relying upon the written instructions from the third respondent and contended that in the revision effected from 01.04.2017, the guideline values have been reduced to a larger extent and hence, the grievance, if any, of the petitioners has already been redressed. He had further contended that the guideline value fixed with effect from 01.04.2012 has outlived. Its validity is only till the guidelines were revised from 01.04.2017. Therefore, according to the learned Additional Government Pleader, the present writ petition has become infructuous.

10.I have considered the submissions made on either side and perused the materials available on record.

11.The writ petitioner is challenging the guideline value fixed by the Valuation Committee constituted under Section 47-AA of the Indian Stamp Act, 1899. Drawing powers under Section 75 read with Section 47-AA of the Indian Stamp Act 1899, the Government of Tamil Nadu has framed Rules and published the same under G.O.Ms.76, Commercial Taxes and Registration Department, dated 01.06.2010. A perusal of the said Rules clearly indicates that under the said Rules, a Valuation Sub Committee has to be constituted. A Valuation Sub Committee has been constituted for each Revenue District for the purpose of estimation of revision of the market guideline value of the properties.

12.A perusal of Rule 4(2) of the Rules will clearly indicate that after receiving instruction/guidelines from the Valuation Committee, the Sub Committee will publish the intention of estimation or revision in the local newspapers. A period of 15 days will be allowed for receipt of objection and suggestion from general public. The suggestions and objections so received, have to be considered by the concerned District Registrars and placed before the Valuation Sub committee for discussion. Thereafter, the Valuation Sub Committee has to prepare the statement showing average rates of agricultural lands, residential, commercial and industrial sites in village municipal or any other local body area in its jurisdiction. The data so prepared has to be sent to the Registrar of the concerned Revenue District and registered after verifying any omission and discrepancies and after clarifying the same, he will forward it to the Valuation Committee.

13.A perusal of the Rules indicate that the guidelines have been framed for estimation of the market value by Valuation Sub Committee. There are no allegation in the writ petition that the Valuation Sub Committee has not issued any notice to the general public calling for objection or suggestion before fixing the guideline market value. Hence, the contention of the learned counsel appearing for the petitioners that Rules 4 and 5 have not been strictly followed is not legally sustainable.

14.As rightly contended by the learned Additional Government Pleader appearing for the respondents, the guidelines are normally revised once in three years in the State of Tamil Nadu based upon the report submitted by the Committee. The revision that is impugned in the writ petition is with effect from 01.04.2012. Thereafter, another revision has taken place with effect from 01.04.2017. A perusal of the written instruction submitted by the counsel for the respondents will clearly indicate that the guideline market value fixed in the year 2012 have been reduced to an extent of 33% in the year 2017. Therefore, the order impugned in the writ petition has outlived its period and the same is no longer enforceable by the authorities under Registration Act.

15.In view of the above said deliberations, I do not find any merit in the writ petition and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Internet : Yes/No
Index : Yes/No
msa

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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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