BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.24993 of 2018
and
W.M.P.(MD).Nos.22659 of 2018
and
12477 of 2022

R.Ravi ... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Principal Secretary to the Government,
Commercial Tax and Registration,
Fort St.George, Chennai.

3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

4.The Accountant General,
Chennai.

5.The Enquiry Officer,
District Registrar (Audit),
District Registrar Office,
Pudukkottai.

6.The Sub Treasury Officer,
Sub Treasury,
Srirangam, Trichy District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in No.7570/Aa1/2015 dated 24.08.2017 and the consequential impugned order in No.7570/Aa1/2015 dated 05.10.2018 of the first respondent and quash the same.

For Petitioner	:	Mr.G.Sridharan
For R-1, R-2, R-5 and R-6	:	Mr.M.Prakash, Additional Government Pleader.
For R-3	:	Mr.J.Anandkumar, Standing Counsel.
For R-4	:	Mr.P.Gunasekaran, Accountant General Standing Counsel.

ORDER

This Writ Petition is filed to quash the impugned order dated 24.08.2017 and the consequential order dated 05.10.2018.

2. The petitioner was joined the service in Registration Department as Junior Assistant cum Typist on 16.09.1983. Thereafter, he was promoted as Sub Registrar, Karur during the year 2010 and posted as Joint II Sub Registrar, Karur and has attained superannuation on 30.04.2012. After retirement from service, the petitioner was provided with all retirement benefits and receiving

pension from the fourth respondent. While he was working as Joint II Sub Registrar, Karur, a sale deed dated 07.07.2011 was presented before him and the petitioner had registered the same. In the sale deed, it has been showed the name of the executants as Papayi and others and purchasers as Arjunan and others in respect of property comprised in Survey No.484/1 with an extent of 3.20 Acres in Kuppuchipalayam Village, Karur Taluk. As a routine procedure, the petitioner had made some enquiry and it was informed that the aforesaid property belongs to one Ammaiyappa Gounder and he has two sons namely, Subramanian and Kandasamy. A partition deed dated 08.08.1988 was entered into between them which was registered in Joint II Sub Registrar Office, Karur as Document No.516/1988. The said property was allotted to the share of the said Subramanian. After the death of the said Subramanian, his legal heirs, that is the present executants got the property by survivorship. They had also submitted the Joint Patta No.1816 standing in the joint names of Subramanian and Kandasamy and they were regularly paying the tax to the Government for the past 50 years. The said executants also submitted patta at the time of registration. The HR & CE Department neither claimed any right over the property nor interfered with their possession and enjoyment. In such circumstances, the petitioner kept the sale deed as pending document in P33/2011. In order to verify the same, the petitioner forwarded the said patta to the Tahsildar, Karur for his opinion which was recorded in the relevant register, but the petitioner did not receive any report from the Tahsildar. The parties have produced the certificate from the Village Administrative Officer which was countersigned by the Tahsildar, Karur stating that the said land to an extent of 3 Acres 20 Cents out of 4.61.5 Ares in Survey No.484/1 belongs to Papayi, wife of Subramanian, Logambal, Meenakshi, Rathinam and Praburaj, who are the sons and daughters of the said Subramanian and they were in possession of the same. Moreover, for one portion of the aforesaid property, already one more sale deed dated 10.09.2009 was executed by the same legal heirs of Subramanian in favour of one T.Kulanthayee, wife of Selvaraj and the same was registered as Document No.1421/2009 which was registered by the petitioner's predecessor and some other portion was executed by the same persons in favour of Arjunan and others. After perusing those documents, the petitioner proceeded to register the same. The petitioner has taken ample effort to confirm whether the property belongs to private individuals or HR & CE Department. Moreover, there was several sale deeds executed in the said survey numbers. Therefore, the contention of the petitioner is that the said land belongs to the said Arulmigu Eswaraswami Thirukkoil is incorrect. Moreover, the petitioner being Sub Registrar is a “quasi-judicial” authority. The quasi-judicial authority has every power to register the same after checking the necessary particulars. If there is any mistake or any discrepancies in registering the same, the Registration Department is having remedy to prefer an appeal before the Sub Collector. Therefore, the petitioner claims that he has not committed any misconduct and the impugned order passed by the respondents is against the statutory rules and regulations.

3. This Court has granted interim order dated 19.12.2018 at the time of admission in W.M.P.(MD)No.22659 of 2018. The respondents have filed a counter along with the Vacate Stay Petition. The respondents have stated that as per the records especially 'A' register in the Revenue Department, it has been stated that the said property belongs to Arulmigu Eswaraswami Thirukkoil. Moreover, in the guideline value, the property value has been stated as “0”. Therefore, the respondents submitted that the petitioner registered the said documents which is purely negligent. The petitioner ought to have referred 'A' register and other documents and thereafter ought to have proceeded to register the documents. Hence, a charge memo dated 21.04.2015 was issued and in the departmental enquiry, the enquiry officer has held the charges are proved. Since the petitioner has retired from service, the amount has been recovered from the petitioner under the pensionary rules. Thereafter, the respondents have quantified the amount as Rs.78,192/- and granted installment of

Rs.3,258/- per month for two years. Aggrieved over the same, the petitioner has come before this Court. Since the land belongs to the Temple, the petitioner ought not to have registered the document. The punishment cannot be termed as disproportionate. Therefore, the respondents prayed to dismiss this Writ Petition.

4. Heard Mr.G.Sridharan, the Learned Counsel for the petitioner, Mr.M.Prakash, the Learned Additional Government Pleader appearing for the respondents 1, 2, 5 and 6, Mr.J.Anandkumar, the Learned Standing Counsel appearing for 3rd respondent and Mr.P.Gunasekaran, the Learned Standing Counsel for the 4th respondent and perused the records.

5. The learned Additional Government Pleader vehemently opposed the plea of the petitioner to quash the impugned order and submitted that the guideline value and the market value fixed for the said Survey No.484/1 as "0". But the said contention was refuted by the learned counsel appearing for the petitioner and has produced the guideline value fixed from 01.04.2012, wherein the guideline was fixed as Rs.5,00,000/- per acre. The copy of the said guideline value is extracted as under:

GOVERNMENT OF TAMILNADU
REGISTRATION DEPARTMENT
MARKET VALUE GUIDELINES FROM 01.04.2012

SRO JT2 KARUR
Village Kuppichipalayam

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
480 / 1D3	0.21.5	Dry Maanavari Lands Type - I	500000	1235500
480 / 1D3	0.03.5	Dry Maanavari Lands Type - I	500000	1235500
480 / 1A4	0.36.0	Dry Maanavari Lands Type - I	500000	1235500
481 / 1	0.79.5	Dry Maanavari Lands Type - I	500000	1235500
481 / 2	0.06.5	Dry Maanavari Lands Type - I	500000	1235500
481 / 3	1.25.5	Dry Maanavari Lands Type - I	500000	1235500
483 / 1	0.65.0	Dry Maanavari Lands Type - I	500000	1235500
483 / 2	0.06.0	Dry Maanavari Lands Type - I	500000	1235500
483 / 3	1.28.0	Dry Maanavari Lands Type - I	500000	1235500
484 / 1	1.10.5	Dry Maanavari Lands Type - I	500000	1235500
485 / 1	0.11.5	Dry Maanavari Lands Type - I	500000	1235500
485 / 2	0.05.0	Dry Maanavari Lands Type - I	500000	1235500
485 / 3	0.02.5	Dry Maanavari Lands Type - I	500000	1235500
486 / 1	0.11.5	Dry Special Type - II	600000	1483000
486 / 1A	0.35.5	Dry Special Type - II	600000	1483000
486 / 1B	0.01.0	Dry Special Type - II	600000	1483000
486 / 1C	0.02.0	Dry Special Type - II	600000	1483000
486 / 1D	0.24.0	Dry Special Type - II	600000	1483000
486 / 1E	0.04.0	Dry Special Type - II	600000	1483000
486 / 1F	0.21.0	Dry Special Type - II	600000	1480000
486 / 1G	0.14.5	Dry Special Type - II	600000	1483000
486 / 1H	0.52.0	Dry Special Type - II	600000	1483000
486 / 1I	0.11.5	Dry Special Type - II	600000	1482000
486 / 1J	0.09.0	Dry Special Type - II	600000	1482000
486 / 1K	0.09.5	Dry Special Type - II	600000	1482000
486 / 1L	0.11.5	Dry Special Type - II	600000	1482000
486 / 2	0.16.0	Dry Special Type - II	600000	1483000
486 / 3	0.19.5	Dry Special Type - II	600000	1483000
486 / 4	1.75.5	Dry Special Type - II	600000	1483000
488 / 1A	0.53.5	Dry Special Type - II	600000	1483000

Website : www.tnreginet.net [illegible]

2 ம் இணை சார்பதிவாளர்
கரூர்

Therefore, the plea of petitioner is that the guideline value is not fixed as "0". When the guideline value is fixed, then the respondents cannot expect the petitioner to treat this as temple property. Therefore, the respondents reasoning is absolutely erroneous.

6. Even though this guideline value is stated for a period from 01.04.2012, the learned counsel appearing for the petitioner submitted that for the period from 2009 onwards, the guidelines value was fixed as Rs.3,00,000/-. Based on the same, the petitioner's predecessor had registered the land in the same survey number for the guideline value as Rs.3,00,000/-. Therefore, the claim of the respondents that no guideline value is fixed and the value is fixed as "0" is erroneous.

7. The next contention of the petitioner is that the petitioner is working as Sub Registrar and he was serving as "quasi-judicial" authority. Therefore, any negligence on the part of the petitioner cannot be considered as misconduct. Moreover, the document can be referred under Section 47(A) of the Indian Stamps Act to the Collector for determination of stamps. There are several judgments where it is stated that the Sub Registrar cannot be made liable whenever he is exercising his quasi-judicial power. More specifically, the disciplinary proceedings cannot be initiated for any error while exercising quasi-judicial power.

8. The next contention of the Learned Counsel appearing for the petitioner is that as per "A" Register still the land belongs to the Temple only and the said survey number consists of vast extent land of 3 acres. There are several documents registered in the said survey number and may be earlier the land belongs to the Temple but subsequently based on several sale deeds, it cannot be stated as the land belongs to the Temple. The said contention cannot be accepted. Any Temple land will continue as a Temple land and it cannot be changed if some sale deeds were executed, even if it is executed prior to 100 years. Therefore, this Court is of the considered opinion the land ought to be restored back to the Temple.

9. Since guideline value is fixed for the land, several documents were executed prior to this transaction and the petitioner has exercised his quasi-judicial power based on the guideline value the punishment imposed is erroneous. But the fact that in "A" register still the land is in the name of Temple, this Court is inclined to modify the punishment by fixing the responsibility on the petitioner. The respondents are directed to deduct Rs.10,000/- (Rupees Ten Thousand only) alone from the petitioner and for the balance amount, the respondents are restrained from recovering.

10. The impugned order is quashed to the extent stated above and the Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11. Before parting with the order, the Executive Officer of the Temple and the concerned authorities in HR&CE Department are directed to take appropriate steps to recover all the Temple lands belonging to the said Temple, especially the Survey No.484/1. The learned Additional Government Pleader is directed to inform the Executive Officer of the Temple and also to concerned authorities in HR&CE Department about this order. The Registry is directed to mark a copy to the said Executive Officer, Arulmigu Eswaraswami Thirukkoil, Kuppuchipalayam Village, Karur District and to concerned authorities in HR&CE Department to comply with this order.

28.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Principal Secretary to the Government,
Commercial Tax and Registration,
Fort St.George,
Chennai.

3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

4.The Accountant General,
Chennai.

5.The Enquiry Officer,
District Registrar (Audit),
District Registrar Office,
Pudukkottai.

6.The Sub Treasury Officer,
Sub Treasury,
Srirangam,
Trichy District.

Copy To:
The Executive Officer,
Arulmigu Eswaraswami Thirukkoil,
Kuppuchipalayam Village,
Karur District.

S.SRIMATHY, J.

Nsr

W.P.(MD).No.24993 of 2018

28.03.2023