BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **16.10.2024**

CORAM :

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**C.M.A(MD).No.207 of 2010**
**and M.P(MD)No.1 of 2010**

1.Kannan
2.Durairaj ... Appellants

**Vs.**

1.The Chief Controlling Revenue Authority,
and Inspector General of Registration,
Chennai – 28.

2.The Special Deputy Collector (Stamps),
Tirunelveli ...Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 47-A(10) of Indian Stamp Act read with Rule 9(5)(a) of Tamil Nadu Stamp (Prevention under Valuation of Instruments) Rules 1968 to set-aside the order of the 1st respondent through his proceedings in No.63024/No.5/06 dated 23.05.2009 served on 08.10.2009.

For Appellants : Mr.J.David Ganesan
for M/s. P.Jeyapaul Associates

For Respondents : Mr.V.Omprakash
Government Advocate

**JUDGMENT**

The appeal has been filed challenging the order of the first respondent fixing the market value of the property at Rs.120/- per sq.ft on the appeal filed by the appellants.

**2.** The facts leading to the filing of this appeal are as follows:

The appellants purchased the property measuring an extent of 42 cents in T.S.No.1611/01, Ward 11, Block 2, Sindhupoonthurai Village, Tirunelveli, by sale deed 15.09.2004. The value shown in the document is Rs.1,26,000/-. The document was referred under Section 47(A) of the Indian Stamp Act to the second respondent herein for fixing the market value. The second respondent fixed the market value at Rs.80,000/- per cent. The appellant preferred an appeal before the first respondent and the first respondent had fixed the value at Rs.120 per sq ft based on the report of the Deputy Inspector General of Registration. Aggrieved by the order of the first respondent, the appellants have preferred the instant appeal.

**3.** The learned counsel for the appellant submitted that admittedly the land is abutted by the Thamirabarani River and a burial ground and the land is an agricultural land; that therefore, the value fixed on sq. ft basis is excessive and submitted that the value quoted by them in the sale deed is the correct market value and prayed for setting aside the order of the first respondent.

**4.** The learned Government Advocate per contra submitted that though the Special Deputy Collector had fixed the market value at Rs.80,000/- per cent, the first respondent had reduced the value considering the location of the land and other factors. Therefore, there is no infirmity in the impugned order. He would further submit that the guideline value at the relevant point of time for the survey number in which the property is situated was Rs.224/- sq ft.

**5.** This Court gave its anxious consideration to the submissions made on either side and carefully perused the materials available on record.

**6.** The only point for consideration in the instant appeal is whether the value fixed by the first respondent is the actual market value.

**7.** Admittedly, the guideline value of the property at the relevant point of time was Rs.224 per sq ft. It is also admitted that there were no sales made after 2004 for comparison and for arriving at the exact market value. The value shown by the appellant at Rs.1,26,000/- for 42 cents is also very low as compared to the guideline value. The value per cent according to the appellant was around Rs.3000/-. Approximately the value per sq. ft is Rs.6.88/-, whereas the respondents fixed the value of Rs.120/- per sq.ft. based on the report of the Deputy Inspector General of Registration.

**8.** The report of the Deputy Inspector General of Registration also does not indicate how he arrived at the said value of Rs.120/-. It is also admitted by the first respondent in the impugned order that the land in question is abutted by the Thamirabarani River and a burial ground and that the area is under developed. In such circumstances, it is not known as to how the first respondent fixed the value at Rs.120/- per sq. ft.

**9.** Therefore, this Court is of the view that in order to determine the correct market value,it would be in the interest of justice to remand the matter to the second respondent to arrive at the correct market value by following the principles for determination of market value provided in Rule 5 of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules 1968. Therefore, the impugned order is set aside and the matter is remanded back to the second respondent to assess the market value in terms of Rule 5 of the abovesaid Rules after giving opportunity to the appellants to put forth their case.

**10.** In fine, this appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

**16.10.2024**

Index : Yes / No
Neutral Citation : Yes / No
CM

To,

1.The Chief Controlling Revenue Authority,
and Inspector General of Registration,
Chennai – 28.

2.The Special Deputy Collector (Stamps),
Tirunelveli

3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

**SUNDER MOHAN, J.**

CM

**Judgment made in**
**C.M.A(MD).No.207 of 2010**
**and M.P(MD)No.1 of 2010**

**16.10.2024**