

Court No. - 6

Case :- WRIT - C No. - 37828 of 2023

Petitioner :- Umesh Kumar Tiwari

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjay Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Sanjay Kumar Mishra, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 12.04.2023 as well as order dated 07.06.2023 passed by respondent no.2 and a further prayer to direct the respondent no.2 not to recover the amount pursuant to the orders impugned.

Learned counsel for the petitioner submits that the petitioner purchased an agricultural land of Arazi No.456 having an area of 0.1936 hectare through registered sale deed dated 18.08.2022 from the Vendor namely Shiv Karan Singh and accordingly deposited the stamp duty. It appears that on some report, the proceedings under the Stamp Act were initiated, wherein a notice was issued to the petitioner on 31.12.2022. The petitioner moved an application on 16.01.2023 praying for time to file objections. Without passing any order on the aforesaid application, the order impugned has been passed. He further submits that orders have been passed without providing opportunity to the petitioner to file objections, therefore, the same is in violation of principle of natural justice.

Learned Standing Counsel could not dispute the aforesaid facts.

In view of the above, impugned order dated 12.04.2023 as well as order dated 07.06.2023 are quashed and are accordingly **set-aside** with a direction to the petitioner to file objections before respondent no.2-Collector Stamp/Additional District Magistrate Fatehpur, District-Fatehpur within a period of two weeks from today along with a certified copy of this order. In case, such an objection is filed, the respondent no.2 shall make all endeavours to consider and decide the same taking into consideration the aforesaid objection, in accordance with law, by means of a reasoned and speaking order, preferably within a period of **one months** thereafter, if there is no legal impediment.

With the aforesaid observations, the instant writ petition is **allowed**.

Order Date :- 2.11.2023

Kalp Nath Singh