

Court No. - 8

Case :- WRIT - C No. - 3835 of 2022

Petitioner :- Smt. Sunita

Respondent :- State Of Up Thru. Its Add. Chief Secy. Revenue Deptt.
Civil Secrtt. Lko. And 3 Others

Counsel for Petitioner :- Bhanu Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

1. Heard the counsel for the petitioner and the learned Standing Counsel.

2. The present petition has been filed by the petitioner challenging the order dated 15.04.2021 passed by the Collector, Bahraich assessing the deficiency of stamp duty paid by the petitioner at Rs.96,980/- and the registration fees at Rs.16,640/-, which was directed to be paid along-with penalty of Rs.10,000/- along with interest @1.5% per month as well as the order dated 23.02.2022 whereby the revision preferred by the petitioner against the said order was dismissed.

3. The contention of the counsel for the petitioner is that the petitioner had purchased a property by virtue of a sale deed executed in favour of the petitioner in respect of an agricultural land in the year 2017. After execution of the sale deed, on the basis of ex-parte inspection carried out on 22.12.2017, proceedings were initiated. Although the petitioner had engaged an advocate, however, as the Advocate could not appear on the date fixed, an order came to be passed on 15.04.2021 assessing the deficiency with direction to pay the amounts as quantified in the order. The petitioner preferred a revision against the said order. In the revision, it was specifically prayed that on 15.04.2021, the country was in the grip of Covid 19 pandemic and thus, in any case, no appearance could be made. He had further pleaded that reference of many dates being fixed was illusory inasmuch as in none of the dates, signature of the presiding officer were present. The revisional court was not impressed with the said arguments and dismissed the revision solely on the basis of the ex-parte inspection report.

4. Considering the fact that the order was passed by the Collector when the country was facing Covid 19 situation on 15.04.2021 and it was very natural that the Advocate could not appear to argue the matter. The order is clearly in violation of the principles of natural justice, as such, on that ground alone, the order dated 15.04.2021 as well as the revisional order,

which has not considered this aspect while dismissing the revision through its order dated 23.02.2022 are quashed. The matter is remanded to the Collector to pass a fresh order in accordance with law after giving an opportunity of hearing to the petitioner and after providing a copy of the report proposed to be relied upon against the petitioner.

5. The writ petition is ***allowed*** in terms of the said order.

Order Date :- 11.10.2023

VNP/-