

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 5936 of 2023

Petitioner :- Vijay Bahadur Sivmurat Sharma

Respondent :- State Of U.P. Thru. Prin. Secy. Institutional Finance U.P. Govt. Lucknow And 3 Others

Counsel for Petitioner :- Indra Kumar Yadav,Deepak Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Indra Kumar Yadav, learned counsel for the petitioner as well as learned Standing counsel for the respondents.

2. The grievance raised in the present petition is with regard to non submission of inspection report called for by the District Magistrate while exercising his powers under Section 47 A of Indian Stamps Act, 1899.

3. It has been submitted by learned counsel for the petitioner that by means of order dated 21.8.2023 District Magistrate, Barabanki /Prescribed Authority had directed the spot inspection report to be submitted by Sub Divisional Magistrate and Sub Registrar. It is stated that the said inspection has still not been conducted and consequently the matter has not been decided. When pointed query has been made to the petitioner as to whether the petitioner has moved any application to the District Magistrate for expediting the proceedings and to pass suitable direction to the Sub Divisional Magistrate to submit spot inspection report, he submits that no such application has been moved.

4.This Court is of the considered view that in case any proceeding deserves to be expedited then a suitable application has to be filed before the competent authority/Prescribed Authority itself stating the urgency and only thereafter approach this Court.

5. In light of the above, the petition is **disposed off** with a liberty to the petitioner to move appropriate application before District Magistrate to expedite the proceedings of case No.1272 of 2022, computerized case No.D202204120001271 (State Vs. Vijay Bahadur Shivmurat Sharma and others) under Section 47 A/35 of Indian Stamps Act, 1899 and also to direct the Sub Divisional Magistrate to submit spot inspection report at the earliest. In case such an application is filed, suitable direction shall be passed by the District Magistrate with expedition.

(Alok Mathur, J.)

Order Date :- 22.11.2023

RKM.