

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 6186 of 2023

Petitioner :- Bauva Sadee Mahal, Unnao Thru. Proprietor Shree Krishna Gupta

Respondent :- The State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko. And Another

Counsel for Petitioner :- Dheerendra Kr. Agnihotri, Pramod Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. Present writ petition under Article 227 of the Constitution of India has been filed by the petitioner seeking a direction to the Commissioner, Lucknow Division to decide the application for interim relief in the pending revision No. C-202310000002860 (Bauva Sadee Mahal Vs. State of U.P.).
3. It has been submitted by learned counsel for petitioner that proceedings under Section 47-A of Indian Stamps Act was initiated and the order was passed on 20.09.2023 against the petitioner directing him to deposit the deficiency in the stamp duty. Against the said order of the prescribed authority, the petitioner has preferred a revision which is pending before respondent No. 2.
4. It is stated that along with revision the petitioner has also moved an application for interim relief for staying the operation of the prescribed authority. The petitioner has filed the revision only on 06.10.2023 and in the aforesaid circumstances, a prayer has been made for a direction to respondent No. 2 to decide the application for interim relief.
5. It is noticed that petitioner has neither moved any application before the Commissioner stating before him the urgency of the matter nor has been demonstrated before him the urgency for which the application for interim relief deserves to be decided expeditiously. This Court is of the considered view that in such circumstances the applicant/revisionist should at the first instance make a suitable application before the court concerned stating his urgency and in case the court does not decide his application or rejects the same he may move an

appropriate petition.

6. Considering the fact that petitioner has not yet moved any application before respondent No. 2, liberty is given to him to move an appropriate application before respondent No. 2 within next one week. In case such an application is moved, respondent No. 2 shall consider the same and if he finds that the matter is urgent, fix a date within next two weeks.

7. In light of the aforesaid directions, the writ petition stands **disposed of.**

(Alok Mathur, J.)

Order Date :- 12.12.2023

Ravi/