HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27740 of 2015

ORDER:

Heard.

The petitioner was given a notice, dated 06-09-2010 under Section 41-A of the Indian Stamp Act and he submitted his explanation on 25-10-2010. The said explanation was not considered and the petitioner was given a fresh notice on 29-11-2010 giving him an opportunity to appear in person and file a representation. However, the petitioner has approached the District Legal Services Authority, Anantapur, and filed PLC No.28 of 2014. After calling for the reports, the District Legal Services Authority said to have closed the matter on 09-07-2015, as it has no jurisdiction, giving liberty to the petitioner to approach appropriate forum/authority. The petitioner states that he has already submitted explanation on 25-10-2010 and since the same was not considered, the petitioner is aggrieved to that extent and has filed the present writ petition challenging the action of the respondents in enhancing the market value and demanding deficit stamp duty and registration fee.

Since the proceedings are initiated against the petitioner under Section 41-A of the Stamp Act, the petitioner has to approach the authority, which issued notice and to which the petitioner has already submitted explanation. The opportunity of personal hearing was also given to the petitioner, which he has not availed and has approached the District Legal Services Authority. The said Authority has rightly closed the complaint, as it has no jurisdiction to entertain the matter. Even now, it is for the petitioner to approach the District Registrar, who is also Collector under the Stamp Act. The petitioner shall be given an opportunity to inspect the audit objections, based on which notice is issued and if the petitioner so desires, he may file a supplementary explanation/representation against the said notice and thereafter, the Registrar/3rd respondent shall consider the petitioner's representation and pass appropriate orders in accordance with law. No interference with regard to the action of the respondents is called for, since the respondents have invoked the statutory provision under Section 41-A of the Stamp Act.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 31-08-2015
Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27740 of 2015

31-08-2015

Prv