

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.41384 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

This Writ Petition is filed questioning the Market Value Certificate with regard to the land in Survey No.238/1 of Pernamitta Village, as certified by the 6th respondent in his Market Value Certificate as on 30.09.2015. The said certificate states that the value of Ac.1.00 of land is Rs.72,60,000/-. The present Writ Petition is filed questioning the said certificate on the allegation that the petitioner seeks to purchase as per the agreement of sale, dated 02.11.2006, wherein the market value is shown as Rs.13,00,000/- per acre and the petitioner states that she is prepared to pay the required stamp duty. It is in those circumstances, the present Market Value Certificate is questioned by the petitioner.

I find difficulty in accepting the contention of the learned counsel for the petitioner that the said Market Value Certificate is arbitrary; on two grounds. Firstly, even if the agreement of sale of the petitioner mentions any value, that could not be relevant at the time of presentation of the document for registration as Section 47-A of the Indian Stamp Act, 1899 would apply and the value as on the date of presenting the document can be relevant. Secondly, the petitioner has not yet presented the document and if there is any dispute as to the value, the petitioner has to present the document with the market value, on which she places reliance and under the scheme of Indian Stamp Act, 1899 and it is for the registering authority concerned to examine and if he is of the view that true market value is not reflected, he can make a reference under Section 47(4) of the Registration Act, 1908 so that true market values can be determined statutorily. The petitioner has also a further remedy of appeal against adjudication under Section 47-A of the Indian Stamp Act,

1899. Hence, in the teeth of the said mechanism available under the Indian Stamp Act, the Market Value Certificate, which is impugned in the Writ Petition, is not justiciable and as such the judicial review is not available against the said certificate.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

21.12.2015

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