NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.1700 of 2011

State of Chhattisgarh through Sub Registrar, Bilaspur (CG)

---- Petitioner

Versus

1. Chhattisgarh Board of Revenue Bilaspur, through its Registrar
2. Shivkumar Gond, S/o Abhimanyu Prasad Gond, R/o village Mangla Basti, Tahsil & District Bilaspur (CG)
3. Chhedil Lal Gond, S/o Shri Bhangi Ram Gond,
4. Ratan Lal Gond, S/o Shri Bisahu Ram Gond,

   Both R/o Village Sakri Basti Chowk, Mangla, Bilaspur, Tahsil Takhatpur, District Bilaspur (CG)

---- Respondents

For Petitioner : Mr.Gary Mukhopadhyay, Dy.G.A.
For Respondents : None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/12/2016

1. The present writit petition is similar and identical to that of the case of **State of Chhattisgarh Vs. Chhattisgarh Board of Revenue, Bilaspur & Ors**.[1], whereby this Court has held as under:-

   > "25. In the present case, the Sub-Registrar has referred the matters after considering the Guidelines and average market value of the lands. In the light of aforesaid judgments of the Supreme Court and the High Court of Punjab & Haryana, and the provisions of law, the Collector of Stamps was under obligation to enquire into the matter relating to undervaluation of the property for the purpose of stamps & registration, and was also under obligation to provide complete opportunity of hearing/adducing evidence to both the parties i.e. also to the State Government who may be the loser if proper

[1] AIR 2012 Chhattisgarh 34

> stamp duty is not paid, and also provide opportunity to the parties before arriving at any finding relating to a particular finding ignoring the finding that the builder/person has purchased the property for construction of building or colony.
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> 26. For the foregoing reasons, in my considered view, the Collector of Stamps has not provided complete opportunity of hearing to the parties and has not enquired into the matter, and thereby committed illegality. By reversing/modifying the order passed by the Collector of Stamps, the Board of Revenue has also committed illegality.
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> 29. The cases are remitted back to the Collector of Stamps who shall provide complete opportunity of hearing to the parties to adduce evidence and after holding enquiry under the provisions of the Indian Stamp Act (Chhattisgarh Prevention of Undervaluation of Instruments) Rules, 1975 and the guidelines notified under the Chhattisgarh Preparation and Revision of Market Value Guidelines Rules, 2000, pass order afresh."

2. In view of above, the writ petition is allowed in terms of the order passed by this Court in **Chhattisgarh Board of Revenue, Bilaspur** (supra) and order dated 26.12.2009 (Annexure P/1) passed by the Board of Revenue, Chhattisgarh, Bilaspur and order dated 20.11.2009 (Annexure P/5) passed by the Collector of Stamps, Bilaspur are hereby set aside. Parties are directed to appear before the Collector of Stamps, Bilaspur on **22.12.2016** for further hearing. No order as to cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-