

losses to the public exchequer. (vi) To investigate all the transaction/consent terms, transmitted by the Court by way of consent decree and registered with the respective registration officers from the year 1994-2013 to ascertain whether the stamp duty so levied on all such documents is as per the provisions of Bombay Stamp Act as applicable on market value or not.

c) To issue a writ of mandamus to Respondent No. 1 directing Respondent No. 3 to complete the process/adjudication of the agreements lodged for registration within a period of 1 month of lodging at any circumstances.

d) To take strict action as per the provisions of relevant laws, against all the agents/builders/officers involved in negligence, connivance and conspiracy to allow such evasion of stamp duty.

e) To issue a writ of mandamus directing the Respondent No. 1 to 3 to immediately fill in the vacancies in all the concerned Revenue Departments, within the state of Maharashtra at the earliest.

f) To issue a writ of mandamus directing to Respondent No. 1 to 3 and through them to such other departments to immediately digitalize the records of Revenue and Registration Department in all the sub-registrar offices within the State of Maharashtra.

g) To issue a writ of Mandamus directing Respondent No. 1 to 3 to reconstruct Index-2 of all records with the help of IT experts or as the court may deem fit.

h) To issue guidelines to the State of Maharashtra to allocate and increase the budget percentage to be allocated to the Revenue collection/recovery department accordingly.

i) To issue a writ of certiorari to call for the records of Government Resolution GR Mudrank 2001/307/Pra. Kra. 160/M-1 Mantralay Mumbai 400032 dt. 3rd August, 2009 and to quash and set aside the said Government Resolution

dt. 3rd August, 2009 thereby cancelling the rewards for the citizens who bring out the cases of stamp duty evasion as bad, illegal and void.”

2. The Respondents have filed reply from time to time. In the affidavit dated 24th February, 2015 filed by the Collector of Stamp (Enforcement-II), General Stamp Office, Mumbai the following statement has been made :

“5) I say that the Department of the Inspector General of Registration and Controller of Stamps, Pune started the registration of documents in computer.

6) The Department thereafter started the project known as 'I-Sarita' in all over Maharashtra from January, 2012 where the registering party may register their documents online on www.igrmaharashtra.gov.in website of the department.

7) I say that the department has also taken initiative for uploading the document data which has been registered under the project of 'Sarita' from January, 2002 to January, 2013.

8) I say that the department has taken decision so that the search of the documents which are registered from 1988-2001 can be done through e-search application and for implementing this decision, new data entry being made as per copies of registered documents.

9) The Respondents have amended the Registration Act, 1988 in its application to the State of Maharashtra by amending Section 17 and inserting Section 89B with aim and object to make equitable mortgage public document either by registration or by filing notice of intimation of the said equitable mortgage in the officer of the Sub-Registrar.

10) The Respondents have also in the development era of computerization system made available computer based

online system for payment of judicial stamps and non-judicial stamps through Gras System. I say that the said 4 online payment is made available in almost all courts, including the High Court and all other Courts in the State of Maharashtra.

11) I say that the development in form of e-governance in respect of registration of documents and payment of stamp duty by the department of Respondent No. 2 and 3 and various facilities are available in form of online services through the website.

12) I say that the entire statistics as how many documents are registered per day are also available on the aforesaid website of the Department of Registration and stamps. The said website also allows downloading of forms, check list, draft document, copy of document etc. I say facilities available in respect of the Citizen area include in the Citizen Charter Right to Information Act, frequent asked questions, grievances, registration of public notices and glossary.

13) I say that the Respondent No. 2 and 3 has also taken constructive towards reconstruction of index-II.

14) I say that under the project 'Sarita' all data since 2001 has been uploaded on the website for instructions to the public. The Department has also implement e-search application in order to enable the citizen to search documents which has been registered during the period 1988-2000, the necessary computer stationary required for this work has been made available to the Sub-Registrar office.

15) In view of the above the Respondent No. 2 and 3 have taken all steps to improve the system by computerizing it and make it transparent and easily available to public and therefore, the grievances of the Petition to that extent has been redressed.

16) I say that regarding reinvestigation of mentioned cases of evasion of stamp duty the Respondent No. 3 has

decided to treat this Petition as a representation and accordingly has issued direction by letter dt. 29/01/2015 to verify all the cases and after verification if finds any evasion we will take appropriate action as per law.

17) I say that there are total 2686 sanctioned posts in the Department of Registration and Stamp Office. I say that 1644 posts out of 2686 sanctioned posts are direct recruitment post and remaining 1042 sanctioned post are on basis of promotion. I say that out of 2686 sanctioned posts 2012 posts are filled and existence and 674 are only vacant. I say that out of 674 existing posts 537 posts are of direct recruitment and 137 posts are on the basis of promotion. I say that the vacant post will be filled as early as possible and all efforts are being made to see that the same is filled at the earliest.”

3. Thereafter in terms of the order passed by this Court, further affidavit dated 16th August, 2016 has been filed in the said affidavit, the following averments have been made in para 2 and 3

“2) I say that the existing vacancies set out in Exh-4 of the affidavit dated 26/02/2016 will be filled in as early as possible within the period of 9 months. The decision in respect of pending/impounded cases as set out in my affidavit dated 26/02/16 will be taken as early as possible within one year.

3) I say that in view of above this Court may be pleased to pass appropriate order and/or direction. The Respondent will ensure and take all steps to see that the document of registered sale transaction prior to 1988 is digitalized and made available and existing vacancies are filled and decision taken regarding impounded cases at the earliest and within the outer limit mentioned above.”

4. Keeping in view, the stand taken by the Respondent-State

in their aforesaid affidavits, we are satisfied that the Respondents have taken all the necessary steps. In the circumstances, we dispose of this Public Interest Litigation by directing the Respondents to comply the statements made by them in their replies within the time mentioned in the said replies and with liberty to the Petitioner to seek the remedies as may be available to him in case the occasion arises.

5. Accordingly the Public Interest Litigation stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)