

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.17739 OF 2009

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an order or Writ one in the nature of Writ of Mandamus, declaring the order of the 1st respondent made in Letter No. 2779/Q/2009, dated 21-08-2009, in so far as it relates to directing the petitioner to pay stamp duty mentioned therein, as arbitrary, illegal, unjust, violative of principles of natural justice, without jurisdiction, violative of principles of natural justice, without jurisdiction violative of the Fundamental rights guaranteed to me under Articles 14 and 19 of the Constitution of India apart from being violative of the procedure contemplated under the Indian Stamp Act, 1899 and consequently direct the 1st respondent not to demand stamp duty @ 5% for the period of one year, and pass such order or orders as are deemed fit and proper in the circumstances of the case.”

2. By order dated 25.08.2009, this Court granted interim suspension as prayed for, on a condition that the petitioner shall pay the deficit stamp duty as per clause 31(a)(ii) of Schedule I-A of the Indian Stamp Act, 1899.

3. Learned counsel for the petitioner states that the lease period has already expired and the batch of cases pertaining to this issue has also been disposed of. A copy of the common order dated 10.04.2012 passed by this Court in W.P.No.17660 of 2008 and batch is placed on record and it demonstrates that this Court, taking note of the fact that the lease period had expired even in those cases, opined that nothing further remained to be adjudicated insofar as the leases were concerned. The writ petitions were accordingly disposed of with certain directions. In terms of the above common order and for reasons

alike as were mentioned therein, this writ petition is disposed of leaving it open to the respondents to make a fresh demand for payment of higher stamp duty and registration fee than that already paid by the petitioner, if warranted, and in the event such a demand is made, it would be open to the petitioner to defend itself against such demand and also take recourse to all appropriate proceedings open to it in law.

4. Miscellaneous Petitions, if any, pending shall stand closed. No costs.

A.V.SESHA SAI,J

25.01.2016

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