

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 243 of 2012

- State Of Chhattisgarh Through Sub Registrar, Bilaspur Distt. Bilaspur C.G.

---- Petitioner

Versus

1. Chhattisgarh Board Of Revenue Bilaspur, through its Registrar, Bilaspur (C.G.)
2. Shri Anjor Das S/o Mohan Satnami, R/o Village Kesla, Tahsil Bilha, Distt. Bilaspur C.G.
3. Smt. Vimla Sharma W/o Shri Shriram Sharma, R/o Village - Kesla, Tahsil Bilha Distt. Bilaspur C.G.

---- Respondents

For Petitioner/State	Shri U. N. S. Deo, GA
For Respondent No.2	Shri Pallav Mishra, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/03/2017

1. Petitioner would call in question the order passed by the Board of Revenue, Bilaspur on 02.11.2010 on the ground that on the said date the Indian Stamp Act, 1899 (henceforth 'the Act, 1899') was amended in the State of Chhattisgarh conferring the appellate power on the Commissioner, Revenue Division to hear an appeal arisen out of the order passed by the Collector of Stamp under Section 47 (A) of the Act, 1899.

2. It is not disputed that the notification amending the Stamp Act was issued by the Government of Chhattisgarh on 18.10.2010, which was made applicable from the date of publication in the official gazette. Thus, as on 02.11.2010, the Board of Revenue had no jurisdiction to entertain the appeal.
3. In view of the statement made by the learned counsel for the parties, the petition is allowed, the impugned order is set aside and the matter is remitted back to the Appellate Authority i.e. Commissioner, Bilaspur Division to hear the appeal and decide the same on its own merits, at the earliest, preferably within a period of 6 months from today. The Board of Revenue shall send the record of the concerned appeal case to the Commissioner, Bilaspur Division.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala