

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.15785 OF 2008

Date: 06.11.2017

Between:

Mr M Venkata Ramana Rao S/o Govinda Raju,
Aged 37 years, Occu: Stamp Vendor,
R/o D.No.1/5, Indiragandhi Nagar, Guntur,
Guntur District.

.....Petitioner

and

The Government of Andhra Pradesh, rep.by its
Secretary, Department of Revenue, Saifabad,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner was granted stamp vendor license in the year 1995. On 29.01.2007, petitioner was issued three non-judicial stamps of 20 denomination bearing serial nos.674446, 674447 and 674448 by the Sub-Treasury Office, Guntur. It appears, the Deputy Collector, Flying Squad, Registration and Stamps, Zone-II, Eluru, vide his report dated 31.12.2007 informed the Office of the District Registrar, Guntur, the irregularities noticed by him in sale of non-judicial stamps. According to this report, though these three non-judicial stamp papers were issued to M.Venkata Ramana Rao i.e, petitioner herein, but the said stamps borne the sale endorsement of another stamp vendor, by name, Sri Jaladi Srinivasa Rao of Gorantla and that though the stamp papers were obtained from the Sub-Treasury on 29.01.2007, the same were sold antedated on 24.10.2006. On verification of the records for the years 2006-07, notice was caused on the petitioner on 31.01.2008. Petitioner submitted his explanation on 15.02.2008. On consideration of the explanation and on thorough verification of the records, not satisfied with the explanation offered by the petitioner, the District Registrar concluded that petitioner contravened the Board Standing Order 77 (4) (v), Indian Stamp Act 1989 and also the terms and conditions of the license granted to him and cancelled the license. Aggrieved thereby, this writ petition is filed.

2. Before dealing with the contentions of the learned counsel for petitioner, it is appropriate to note at this stage that in the

counter-affidavit filed on behalf of the respondents, plea of maintainability of the writ petition on the ground that petitioner has alternative remedy of appeal and second appeal was available, but without availing such remedy, straightaway this writ petition is filed. However, Court is not relegating the petitioner to avail remedy of appeal having regard to the fact that this issue is of the year 2008 and writ petition is taken for consideration in the year 2017.

3. Learned counsel for petitioner sought to contend that subject stamps were actually given to him on 29.01.2007 and his reports would disclose that on 20.02.2007 they were sold to three different persons. Therefore, insofar as he is concerned, stamps were properly purchased by him and sold and, therefore, he did not commit any irregularities. If at all false stamp transaction was made, it was by the 6th respondent and petitioner is no way concerned. Learned counsel, therefore, submits that vindictively proceedings were initiated against him and no action is taken against 6th respondent, who is actually responsible for the whole incident. He further submits that there is a possibility of person who purchased the stamp from the petitioner actually went back to the 6th respondent and through him antedated transaction was undertaken and without verifying the true and correct facts the issue was decided against the petitioner.

4. In the counter-affidavit filed by the respondents, it is categorically asserted that in order to avoid manipulation in sale of stamps, all measures were taken before issuing the non-judicial stamp papers to the licensed stamp vendors and, therefore, there is no possibility of same stamp papers issued to more than one

stamp vendor. The records clearly disclose that petitioner was issued three subject stamp papers on 29.01.2007 and the same is not disputed by the petitioner. It is, therefore, asserted that question of issuing same stamp papers to any other person would not arise.

5. Though petitioner has not filed a copy of explanation offered by him, learned Assistant Government Pleader furnished copy of his explanation dated 15.02.2008. This explanation would disclose that initial response of the petitioner to the show cause notice was that he lost three stamp papers in transit while he was traveling in Auto and those stamps might have been issued for no fault of him and, therefore, he was not at all responsible. Thus, initial response of the petitioner was not about the sale of stamps by him in February, 2007, as stated by him now. For the first time, in the affidavit filed in support of the writ petition, petitioner sought to contend that there was possibility of losing stamps while in transit and however, he has already sold those stamps and his stamp register would disclose sale of stamps undertaken by him in February, 2007 and thus, he has not committed any misconduct.

6. As rightly pointed out by the respondents in their counter-affidavit, as noted above, initial response of the petitioner was that he lost the stamp papers in transit while he was traveling in Auto. It is not disputed that no complaint was lodged by him with the Police about losing of non-judicial stamp papers by him nor reported the same to the competent authority. Apparently, he shifted his version to cover up his illegalities of antedating and issuance of stamp papers to the parties through another vendor.

7. The assertion of the respondents in the counter-affidavit that strict confidentiality is maintained and no duplicate stamps can be issued to two stamp vendors and that subject stamps were issued to the petitioner are not denied. Thus, admittedly, subject stamps were issued to the petitioner and only with the consent of petitioner, said stamps can be sold to any person. Thus, there is merit in the stand of the respondents that sale of stamps were antedated, in the name of third party licensee holder, whereas stamps issued in favour of petitioner could not have been sold in the name of any other stamp vendor, whether it is prospective or antedated.

8. All the relevant facts were considered. The defence of the petitioner, as reflected in his representation dated 15.02.2008, was examined before passing final orders. The stand as expressed by the petitioner in the affidavit filed in support of the writ petition was never placed before the District Registrar in response to the show cause notice. Only for the first time in the affidavit filed in support of the writ petition such plea is taken. Therefore, it cannot be said that decision of the District Registrar is vitiated on account of improper appreciation of the facts nor be called as perverse decision. I do not see any illegality in the decision arrived at by the District Registrar warranting interference of this Court. Writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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