THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.398 OF 2008

DATED : 08.11.2017

Between :

P.Sudhir Kumar S/o.P.Venkata Ramaiah,
Age 37 yrs, Occu : Pvt. Service,
R/o.D.No.7-5-58/9, Flat No.4/2,
Kalyan Villa Apts, Pandurangapuram,
Visakhapatnam.

.. Petitioner

And

District Registrar,
Registration and Stamps Department,
Visakhapatnam & another.

.. Respondents

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.398 OF 2008

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader.

2. Petitioner purchased 440 Square yards of land in Plot No.16, Block No.4, Sy.No.51 of Peddawaltair Village, Visakhapatnam District, through registered document bearing No.4073 of 2004. Petitioner declared the sale consideration as Rs.16,39,000/- and paid stamp duty of Rs.2,21,265/-. Alleging that there was deficit payment of stamp duty, notice dated 01.11.2004 was issued under Section 27 of the Indian Stamp Act and Rule 4 (b) of Rules made there under. The market value of the property at that time was assessed as Rs.21,78,000/- and there was deficit stamp duty compared to amount payable by an amount of Rs.70,070/-. It was also assessed that there was deficit fee of Rs.2,695/-. It appears several notices were issued. Against one of the notices, the uncle of the petitioner responded and sought to submit his explanation on behalf of the petitioner. Since the authorization to the uncle to represent the petitioner was not placed on record, the competent authority refused to accept the explanation given by the uncle of the petitioner. Thus, it appears there was never a response by the petitioner to several notices issued from time to time. In continuation to such notices, a final demand notice was issued on 31.12.2007. At that stage, this writ petition is filed.

3. This Court by order dated 08.01.2008 granted interim stay of all further proceedings initially for a period of two weeks. On a

vacate stay petition filed by the respondents, the interim order earlier granted was made absolute subject to condition that the petitioner should deposit a sum of Rs.72,765/- within a period of eight weeks. In default the respondents were authorised to recover the entire amount.

4. Learned counsel for the petitioner submits that in pursuant to the said interim order, an amount of Rs.72,765/- was deposited.

5. As briefly noted above, the issue as of now stands at the stage of demand notice issued on 31.12.2007. It appears the proceedings were not finalized on the issue of payment of deficit stamp duty so far. It is also clear that no explanation was filed by the petitioner on various demand notices issued to him. Thus, the issue is at the stage of filing explanation to the demand notices issued, taking final decision by the competent authority on the explanation offered and further proceedings as warranted by law. The document concerned was registered in the year 2004. Therefore, the issue relates to the year 2004. As per the demand notice, in addition to the deficit stamp duty, an amount of Rs.2,18,295/- was also levied as penalty.

6. Having regard to these peculiar facts, I am of the opinion that instead of relegating the matter, a quietus can be given to the litigation at this stage itself, by directing the petitioner to deposit an amount of Rs.1,25,000/-, within a period of four weeks as full and final settlement of the issue.

7. Learned counsel for the petitioner submits that the petitioner may be directed to pay Rs.1,00,000/- instead of Rs.2,18,295/- as demanded. On the face of it, the offer appears to

be reasonable, but having regard to the fact that the issue relates to the year 2004 and the demand was made in the year 2006, whereas the writ petition is taken up for final disposal in the year 2017, an amount of Rs.1,25,000/- is treated as reasonable.

8. Thus, the Writ Petition is disposed of, without entering into merits of the respective contentions. The demand notice dated 31.12.2007 shall not be given effect to, if petitioner pays an amount of Rs.1,25,000/- within four (4) weeks from the date of receipt of copy of this order and on payment of such amount there shall not be any further penal action against the petitioner and the issue of registration of document be regularized. However, if the petitioner fails to pay the amount within the time granted, it is open to the authorities to take penal action. The amount to be paid as directed is in addition to the amount of Rs.72,765/-already paid. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

8th November 2017
Rds