

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**43 WRIT PETITION NO.14300 OF 2018**

Shahurao s/o.Shankarrao Jogdand,  
Age: 58 Years, Occu. Agril.  
R/o. Narwadi, Tq. Sonpeth,  
District Parbhani.

**.. PETITIONER**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai – 32.
2. The District Collector, Parbhani,  
Tq. & Dist. Parbhani.
3. The Stamp Collector, Parbhani,  
Administrative Building,  
Hall No.3, Ground Floor,  
Parbhani, Tq. & Dist. Parbhani.
4. The Tahsildar, Sonpeth,  
Tq. Sonpeth, Dist.Parbhani.

**..RESPONDENTS**

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Mr.Mahesh P.Kale, Advocate for the petitioner  
Mr.S.M.Ganachari, AGP for Respondent – State

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**CORAM: S.S.SHINDE &  
A.M.DHAHALE, JJ.**

**DATE : 21.12.2018**

**ORDER:**

1] Learned counsel appearing for the petitioner submits that, while taking impugned decision, respondent no.3 – the Stamp Collector, Parbhani, has not considered the provisions of Article 46, clause (c) of Schedule-I of the Maharashtra Stamp Act, 1958 [for short 'said Act'].

2] Being aggrieved by the decision of respondent no.3 i.e. the Stamp Collector, Parbhani, which is communicated to the petitioner, by letter dated 5<sup>th</sup> December, 2018, asking the petitioner to deposit stamp duty at the market rate, is challenged in this Petition.

3] In the impugned communication, there is reference to the invocation of Section 39 of the said Act. Section 53A of the said Act provides for Revision of Collector's decision under Sections 32, 39 and 41. In that view of

the matter, the petitioner can assail the impugned communication / decision taken by the Collector, by way of filing Revision under Section 53A of the said Act.

4] In that view of the matter, without entering upon the merits of the contentions raised in this Petition, we dispose of the Writ Petition, with liberty to the petitioner to avail of an appropriate remedy of Revision under Section 53A of the said Act.

**[A.M.DHAVALA]**  
**JUDGE**

**[S.S.SHINDE]**  
**JUDGE**