

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10054 OF 2015

Purushottam Dinanath Gholkar **Petitioner**
VERSUS
The State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 10055 OF 2015

Sou.Pallavi Purushottam Gholkar **Petitioner**
VERSUS
The State of Maharashtra & Ors. **Respondents**

Mr.G.N.Salunkhe for the Petitioners.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos. 1 to 3.

CORAM : R.D. DHANUKA, J.

DATE : 5th MARCH, 2018

P.C.

By these two writ petitions filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 15th April, 2015 passed by the respondent no.3 in Appeal No.8 of 2015.

2. The petitioners have applied for adjudication of the stamp duty to the respondent no.2. The respondent no.2 made an order of adjudication on the said application by passing an order on 30th November,2011. The respondent no.2 has passed the said order after taking inspection of the property and taking into consideration the

detailed report and in consultation with Joint Director of Town Planning Valuation, Pune. The market value of the property is fixed is Rs.24,47,500/-. Considering the fact that the document was proposed to be executed as sale deed thereby altering the provisions of Article 25(b)(5) of Schedule I of the Mumbai Stamp Act, 1958. The petitioners were also required to pay 1% amount of Rs.1,46,850/- on the said property in accordance with the stamp duty. The matter was remanded back by the Deputy Inspector General for Registration and Deputy Registrar for Stamp for reconsideration. Upon such remand, the respondent no.2 passed a fresh order and determined the stamp duty payable on the instrument proposed to be executed by the petitioners. I do not find any infirmity in the order passed by the authority determining the stamp duty. The authorities have complied with the provisions of Rules 5 and 6 of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.

3. The writ petitions are devoid of merits and are accordingly are dismissed. No order as to costs.

[R.D. DHANUKA, J.]