HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3740 of 2017

ORDER:

The present Civil Revision Petition came to be filed under Article 227 of the Constitution of India, aggrieved by the order dated 07.07.2017 passed in I.A.No. 24 of 2017 in A.T.C.No.41 of 2000 on the file of Special Officer for Tenancy Cases – cum – Principal Junior Civil Judge, Peddapuram, wherein, the application filed by the petitioners to direct the Revenue Divisional Officer, Peddapuram, to return back the letter, dated 16.01.1996, after collecting stamp duty from the petitioners as per the orders of the revisional authority, was dismissed.

2. The circumstances, which led to filing of this revision petition, are as under:

Petitioners herein filed the A.T.C. seeking declaration that they are statutory tenants and for permanent injunction. Along with the said ATC, they filed a letter, dated 16.01.1996, executed by their grandfather, Yeleti Dhanayya, giving schedule property on lease. When the said letter was sought to be marked, an objection was taken as to the admissibility of the document as no stamp duty and penalty was paid. Thereupon, the said document was sent to the Revenue Divisonal Officer, Peddapuram, for impounding, collection of stamp duty and penalty. The Revenue Divisional Officer, vide order dated

23.11.2001, levied an amount of Rs.30,375/- and Rs.3,375/- as stamp duty and penalty, respectively. Challenging the same, petitioners preferred a revision before the Commissioner and Inspector of General of Registration and Stamps, Hyderabad. The revisional authority, vide order, dated 05.06.2004, reduced the stamp duty to Rs.27,000/- while upholding the penalty imposed. Thereafter, the entire record was sent to the Court of IX Additional District Court, Rajahmundry, for reference in O.S.No.7 of 2002. Long thereafter, the petitioners herein requested the Revenue Divisional Officer to receive the stamp duty and penalty, as they are ready to pay the same, which was not acted accepted. Hence, an I.A. came to be filed seeking a direction to the Revenue Divisional Officer to collect stamp duty and sent the letter, dated 16.01.1996 back to the Court.

3. A counter came to be filed opposing the application stating that there was abnormal delay of 13 years in filing the application and no reasons are stated as to why such a request was not made at the earlier point of time. It is further stated that when the ATC is coming up for arguments, the present application is filed.

4. After hearing both the parties, the request of the petitioners was rejected. Challenging the same, the present revision came to be filed.

5. Sri E.V.V.S.Ravi Kumar, learned counsel for the petitioners, would submit that the document is pending before the Revenue Divisional Officer, for receipt of stamp duty and

penalty. When the document is sent for impounding and for collection of stamp duty and penalty, there is no point in refusing such application. It is his case that when no time limit has been fixed for payment of the amounts, the Court below erred in saying that there was delay in paying and as such, seeks indulgence of this Court in the matter.

6. Sri S.Ganesh, learned counsel for the respondents, would submit that the fact that the present application came to be filed when the A.T.C. is posted for arguments speaks volumes. According to him the revisional authority passed the order in the year 2004, partially accepting the request of the petitioners, and having kept quite for all these years and when the case is posted for arguments, the petitioners have come up with the present application, only to delay the proceedings.

7. As seen from the record, the ATC case is now posted for arguments. The documents were sent for impounding and payment of stamp duty in the year 2004. It may be true that no time limit is fixed for payment of stamp duty, but it does not mean that the petitioner can keep quiet for any number of years, without complying with the order passed in the year 2004. Strangely, the Court also kept quiet without sending reminders to the Sub-Registrar for returning the document for proceeding with the case. Since the petitioners are not at all vigilant in paying the stamp duty and penalty as ordered by the revisional authority and when the petitioners have approached for payment of the amount only when the case is posted for

arguments, I feel that order rejecting the request of the petitioner warrants no interference.

8. Accordingly, the CRP is dismissed. Since the ATC case is of the year 2000, the trial Court shall dispose of the matter, in accordance with law, as early as possible, preferably within a period of three to four months.

9. As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

25.01.2018
Issue CC by next week.
B/o.
vhb