

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No.858/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Sharmila Deshmukh a/w. Ms. Jaya Bagawe for the Petitioner Ms. Jyoti Chavan, AGP for State. Mr. Dilip Patekar, Assistant town Planner, Letter of Stamps, Borivali.

CORAM : K.K.TATED, J.
DATED : JULY 15, 2019

P.C.

1 Heard. The learned counsel for the Petitioner submits that by this Writ Petition, they are challenging the order dated 21.03.2018 passed by the Collector of Stamps, Borivli in ADJ/1100902/1892/2015 in respect of the land bearing CTS No.517 and 521 from village Kanheri, Tq. and Dist. Borivali holding that the Petitioner to pay the additional stamp duty under, Article 25(b) of Schedule I of Maharashtra Stamp Act, 1958 stamp duty of Rs.60,57,100/- and penalty of Rs.4,84,570/-.

2 The learned counsel for the Petitioner submits that the Petitioner's main grievance is that the concerned authority, without considering the fact that the property involved in the present proceeding, was declared as slum by the State Government by Government Gazette dated 19.06.1986 (Page No.801), directed Petitioners to pay additional stamp duty and penalty.

3 The learned counsel for the Petitioner submits that during the course of argument before the Collector they placed on record a copy of the said Government Gazette dated 19.06.1986, however, the same was not considered by the Collector while passing the impugned order.

4 The learned AGP, after taking instructions from her officer, who is present in court, makes a statement that they have no objection if the impugned order is set aside, so that they can decide the matter after considering the Government Gazette dated 19.06.1986.

5 Hence, following order is passed:

a. The order passed by the Collector of Stamps, Borivali dated 21.03.2018 in a proceedings under section 31 of the Maharashtra Stamp Act, 1958 is set aside.

b. Liberty granted to the Petitioner to file additional documents along with Government Gazette dated 19.08.1986 before the Collector of Stamps, Borivali on or before 31.07.2019.

c. The Collector of Stamps, Borivali is directed to decide the matter afresh on the basis of all the documents including Government Gazette dated 19.08.1986 within eight weeks from the date of receipt of the documents from the Petitioner.

d. All contentions of both the parties are kept open.

e. The Writ Petition stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)