THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13847 OF 2019

Date:09.07.2019

Between:

Surendra Kumar Patawari, S/o. Begraj Patawari, aged about 51 years, Occ: Business, R/o.H.No.503, Gowrishankar Meghana Apartments, Street No.7, West Marredpally, Secunderabad and another .. Petitioners

And

The State of Telangana, rep., by its Principal Secretary, Revenue & Stamps Department, Telangana Secretariat, Hyderabad and others .. Respondents

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader Revenue.

2. Having entered into agreement of sale of land to an extent of Ac.0.12 guntas in Survey No.354, Ac.0.31 guntas in Survey No.355, Ac.1.05¾ guntas in Survey No.384 of Kallakal Village, Manoharabad Mandal, Medak District, a request was made to the Sub-Rregistrar for issuance of market value/stamp duty to register the deed of sale. The Sub-Registrar prescribed the stamp duty as Rs.1,500/- per square yard and total amount as Rs.6,44,360/-, transfer duty as Rs.2,41,635/-; registration fee as Rs.80,545/- and Rs.100/- for other charges. The petitioners paid the specified amounts. However, the document was not registered and kept pending as document P.No.60 of 2019. On enquiry, petitioners were informed that the stamp duty paid was not correct and they have to pay higher stamp duty. Under protest, petitioners paid the amount as demanded by the respondent authorities and accordingly the document was registered.

3. Since petitioners were not satisfied with the higher market value specified by the registering authority, they preferred appeal to the Chief Controlling Revenue Authority and Commissioner and the Inspector General of Registration and Stamps, Government of Telangana, Hyderabad, and the same was rejected by order impugned in the Writ Petition.

4. Though learned counsel for the petitioners sought to contend, on merits, that the demand to pay higher stamp duty was not valid, the Court is not expressing any opinion on the said aspect as the Court is of the view that the order impugned is not sustainable as the authority has not assigned any reasons and rejected by a stereotyped order holding that Section 56 of the Indian Stamp Act, 1899 is not attracted. Several grounds were urged by the petitioners in the appeal. As an appellate authority, it is the bounden duty of the Chief Controlling Revenue Authority to consider the grounds raised in the appeal and assign reasons in support of the decision.

5. Having regard to the same, the order impugned is set aside and the matter is remanded to the Chief Controlling Revenue Authority and the Commissioner and Inspector General of Registration and Stamps to pass orders as warranted by law within a period of six weeks from the date of receipt of a copy of the order.

6. The Writ Petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:09.07.2019

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