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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2076 OF 2020

Aarti Manoj Javheri ... Petitioner
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. S. R. Nargolkar a/w A. B. Kadam, Ms. Krupali Salgaonkar a/w
Sherri Rebello, for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondent - State.

CORAM : C. V. BHADANG, J.

DATE : MARCH 5, 2020

PC :

1. This petition can be disposed of on a short count. The Petitioner is challenging the order dated 19th June, 2019 passed by the learned District Joint Registrar cum Collector of Stamps, Pune, by which an application dated 14th May, 2019 filed by the Petitioner for renewal of her licence as a stamp vendor has been dismissed. The Petitioner was holding a stamp vendor Licence No. HVL-IX/47/199 dated 4th December, 1999, which was periodically renewed by the Petitioner till 31st March, 2003. On 14th May, 2019 the Petitioner wrote a letter to the Collector of Stamps-cum-District Joint Registrar, Pune stating that on account of illness of her son, she was unable to sell any stamps from July, 2002 and she has also not renewed the

licence after 31st March, 2003. She requested the authority for renewal of her licence.

2. It is the case of the Petitioner that her son has now grown up, and she can revert back to her business as a stamp vendor, and therefore, she has sought renewal of the said licence.

3. By the impugned order dated 19th June, 2019, the concerned authority has refused to renew the licence or grant a new licence. The said refusal is based on Rule 15(2) of the Bombay Stamps Supply and Sale Rules, 1934 (for short the “said Rules”) framed under the Bombay Stamp Act. The authority has held that a new licence cannot be granted, in view of the Government Resolution dated 2nd April, 2005 (for short the “GR”), by which the State Government had now taken a policy decision, not to grant any such stamp vending licence to a private individual.

4. I have heard the learned counsel for the Petitioner and the learned AGP for the Respondents.

5. Mr. Nargolkar, the learned counsel for the Petitioner submitted that the Petitioner is only seeking renewal of erstwhile licence and not grant of new licence, and therefore, the GR cannot come in the way of the Petitioner. Insofar as refusal to renew the licence is concerned, the learned counsel has taken me through Rule 15(2) of the said Rules. It is submitted that all that Rule 15(2) of the

said Rules requires is that the concerned licensee should be able to take a clear thumb impression as per the procedure which is prescribed in Schedule “D” of the said Rules. It is submitted that the authority has not held that the Petitioner is unable to take any such thumb impression.

6. The learned AGP has submitted that the Petitioner had herself intimated about her inability to work as a licensee on account of illness of her son, and there was no renewal of licence after 31st March, 2003. He therefore, submits that the impugned order passed on the basis of Rule 15(2) as well as the GR is legal and proper.

7. I have considered the circumstances and the submissions made, and perused record.

8. *Prima facie* at this stage it appears that claim of the Petitioner is for renewal of erstwhile licence, which was issued in the year 1999, and therefore, it cannot be accepted that the GR of the year 2005 may come in the way of the Petitioner. Insofar as Rule 15(2) of the said Rules is concerned, it reads thus:

“15(2) No new licence to sell stamps embossed or engraved on stamped paper shall be granted and no expired licence shall, after a time to be specified in this behalf, be renewed, except on satisfactory proof that the applicant or licensee is able to take a clear thumb impression.”

. A bare perusal of the said Rule would show that all that it

requires is that the stamp vendor should be able to take a thumb impression of the person, purchasing the stamps. The instructions for taking such thumb impressions are contained in Schedule D to the said Rules. The authority below has not found that the Petitioner is unable to take such thumb impressions. In that view of the matter, I find that it would be appropriate for the authority to reconsider the application on its own merits and as per the applicable provisions, as contained in the Bombay Stamp Act and the Rules framed thereunder, and applicable Government instructions, if any, after hearing the Petitioner.

9. In that view of the matter, the petition is partly allowed. The impugned order dated 19th June, 1999 is hereby set aside. The application dated 14th May, 2019 filed by the Petitioner is remitted back to the second respondent for deciding it afresh on its own merits, and in accordance with law, in the light of the observations made hereinabove, after hearing the Petitioner. The second respondent shall decide the said application, as expeditiously as possible, and preferably within six weeks from the receipt hereof.

. The petition is disposed of in the aforesaid terms, with no order as to costs.

Vinayak
P.
Halemath

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by Vinayak P.
Halemath
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Sd/-
C. V. BHADANG, J.