

02-12.2021  
Court No.1  
FB/gsd  
(12).

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
CIVIL REVISIONAL JURISDICTION  
(Via Video Conference)**

**CO 14 of 2020**

Benchmark Developers Private Limited  
Vs.  
Mr. Bhaskar Dutt & Ors.

Mr. Amalesh Ray  
Mr. Deborshi Dhar      ... For the Petitioner.

Mr. Bhaskar Roy Mahashaya,  
... for the Respondent no.1  
Mr. Sumit Kumar  
. . .for the respondent nos.2&3

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Under challenge in this application is the order no. 74 dated 4<sup>th</sup> of November, 2019 in O.C. Case No. 1 of 2012.

By the said impugned order, the Learned Trial Court (Senior Division) at Kalimpong was pleased to, *inter alia*, hold that the assesment of the true market value of a document under the Indian Stamp Act, West Bengal (Amendment) does not belong to the jurisdiction of the Civil Court.

The jurisdiction to reassess the valuation arrived at by the Statutory Authority, i.e. the District Collector lies with the Appellate Authority, i.e. the Divisional Commissioner.

Accordingly, the prayer of the petitioner for reassessment of the market value of the document was refused by the Learned Civil Court.

It would be relevant at this point of the discussion to mention that the assessment of the market value of the document transferring title to a property was sought by the petitioner himself in a suit for specific relief.

On the prayer of the petitioner seeking valuation of the document which was impounded, was sent to the District Collector under the provisions of the statute, i.e. Indian Stamp Act for assessment.

Upon the Collector delivering his valuation, the petitioner being aggrieved arrived before the Learned Civil Court seeking its intervention for reassessment of valuation.

Heard Mr. Mahashaya, Learned Counsel, appearing for the respondent no.1 and Mr. Kumar, Learned Counsel for the respondent nos. 2 and 3.

The uniform stand taken by Learned Counsel for the respondents is that the remedy lies in filing the appeal with the Appellate Authority and not by invoking the jurisdiction of the Learned Civil Court.

Mr. Roy relies on the authority of **(2011) 11 SCC 475** at paragraph 12 to demonstrate the wide magnitude of the situation under which Section 151 of the CPC can be invoked.

Having heard the parties and considering the materials placed, this Court finds that the presence of a specific statutory remedy by way of an appeal has correctly

restrained the Learned Civil Court from exercising jurisdiction.

The only method of reassessing the valuation having been specified by the statute in this regard, i.e. the Indian Stamp Act, correctly acted as a restraint on the Learned Civil Court from exercising a jurisdiction which does not exist and, from adopting an inherent jurisdiction which would be contrary to the special statute.

Accordingly, the order impugned calls for no interference.

**CO 14 of 2020** stands thus **disposed of**.

All parties to act on the server copy of this order duly obtained from the official website of the Hon'ble High Court at Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(SUBRATA TALUKDAR, J.)**