

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.13598 OF 2003

Umakanta Panda & anr.

....

Petitioner(s)
Mr. P.K.Rath,
Advocate

-versus-

State of Orissa & others

....

Opposite Party(s)
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
12.12.2022

Order No.

08.

1. This Writ Petition involves the following prayer:-

“The Petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition call for the record and after hearing the parties allow the same and issue a writ in the nature of certiorari/mandamus and/or and other/further writ/direction

- (i) Quashing Annexure-1 and 4 respectively.
- (ii) Command the Opp. Parties to take effective steps for proper functions of the District and Sub-District level valuation committee.
- (iii) Upon quashing the notification under Annexure-1 if necessary to meet the contingencies of the transitional period and Direct the Govt. and I.G.R. to issue guidelines Authorising the Registering Authority to take into consideration to the Guidelines prescribed in Appendix-II of the Orissa Stamp Rules while determining referability of the document U/s. 47AA of the Act.
And for which act of kindness, the Petitioners as in duty bound shall ever pray.”

2. Challenging the order at Annexures-1 and 4 respectively, learned counsel for the Petitioners brings to the notice of this Court the changing situation in the matter of application in bringing the bench mark valuation for consideration of Stamp duty for registration of instrument.

3. Mr. Rath, learned counsel for the Petitioner brings to the notice of this Court the decision of the Division Bench in disposal of two of Writ Petitions, one in the case of ***Guru Prasad Mohanty and another vrs. State of Orissa and others, reported in 2009 (II) OLR 65***. For the judgment involved also referring to notification by the Board of Revenue dated 05.08.2008 and 20.08.2008, this Court finds, it is a fit case for re-examination of the issue involved. In the process, this Court while setting aside the orders at Annexures-1 and 4, remits the matter to the Sub-Registrar-Opposite Party No. 5 to take a call on the registration of the instrument based on the above judgment and circular taken note herein above, by completing entire exercise within one month from the date of communication of a certified copy of this order by the Petitioner. It shall be open to the Petitioner to bring both the judgments reported in ***2009 (II) OLR 65*** before the competent Authority while providing him the copy of this Court's order.

4. Interim order dated 30.04.2004 passed in Misc. Case No. 13233 of 2003 shall continue till a further decision is taken by the Competent Authority.

(Biswanath Rath)
Judge

Utkalika