

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13187 OF 2022

Yamuna Prasad Goyal

Petitioner

Mr. Siba Prasad Patra, Advocate

-versus-

***Collector and District Magistrate,
Bolangir and others***

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
21.06.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the initiation of S.R. Stamp Case No. 2 of 2019 under Section 47(a) of the Indian Stamp Act on the basis of the inspection report for the year, 2017-18 by the Sub-Registrar-cum-Stamp Collector, Titilagarh and U.V. Case No. 2 of 2022 by the Sub-Collector & Stamp Collector, Titilagarh.
3. Mr. Patra, learned counsel for the Petitioner submits that after getting house building valued by the Junior Engineer, Titilagarh (R&B) Section, the Petitioner purchased the stamp paper as per such valuation. However, relying upon the inspection report of the land and building for the year 2017-18, U.V. Case No. 2 of 2022 was initiated by the Sub-Collector and Stamp Collector, Titilagarh-Opposite Party No.2. Thereafter, S.R. Stamp Case No. 2 of 2019 was also initiated by him. It is his submission that since the valuation report has been submitted by the Government officials, the same can be questioned in the present proceeding. The valuation report granted by the Junior Engineer, Titilagarh (R&B) Section has never been set aside by

any competent authority. As such, initiation of the proceeding is contrary to law and is liable to be quashed.

4. Mr. Mishra, learned Additional Standing Counsel, on the other hand, submits that since final order has not yet been passed in S.R. Stamp Case No. 2 of 2019, the Petitioner may file his objection in the said proceeding and contest the case. Thus, the writ petition is premature and is liable to be dismissed.

5. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with an observation that since S.R. Stamp Case No. 2 of 2019 is still pending before the Collector and District Magistrate, Bolangir-Opposite Party No.1, the Petitioner, if so advised, may appear and contest the case by filing objection. In that event, the Opposite Party No.1 shall consider the same and proceed with the matter in accordance with law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks