

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 8048 OF 2022

Tejomay Apartments Condominium-An association of apartment owners, through its
Secretary -Shri B.H.Majithia

vs.

State of maharashtra through the Secrtary, Ministry of Revenue and Forest, Mumbai & ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M.Bhangde, Advocate for petitioner.
Ms S.S.Jachak, Assistant Government Pleader for respondents.

CORAM :- A.S.CHANDURKAR AND ANIL L. PANSARE, JJ.,
DATE :- DECEMBER 20, 2022

Challenge is raised to the insertion of the words “renewal of a perpetual lease” in Article 36 of the Maharashtra Stamp Act, 1958 (for short, the said Act). It is submitted that these words have been added by amending the said Act sometime between the year 1995 to 2000. As a result for every renewal, stamp duty as is leviable on a conveyance under Article 25 of the said Act is required to be paid.

Issue notice to the respondents, returnable in four weeks.

Ms S.S.Jachak, learned Assistant Government Pleader waives service of notice for the respondents.

The reply of the State shall indicate the manner in which Article 36 came to be amended.

Civil Application (W) No. 2863 of 2022

By this application, it is prayed that the respondents be restrained from taking coercive steps against those nazul lease holders who have not renewed the nazul lease presently. It is submitted by the learned counsel for the petitioner that

the petitioner has under protest paid the amount of renewal duty under Article 36. Since such amount has been paid there is no threat presently to the petitioner of any coercive steps being taken against him.

Considering the wide prayers made in the civil application and as we find that presently there is no cause of action for the petitioner to apprehend any coercive steps, we are not inclined to entertain the application. It is clarified that parties aggrieved by any adverse action are free to take appropriate legal steps as advised.

The civil application is disposed of.

(ANIL L. PANSARE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..