

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**11 CIVIL APPLICATION NO.15615 OF 2022
IN WP/8593/2015 WITH WP/8593/2015
RATILAL SAKHARAM CHAUDHARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF REVENUE
AND FOREST AND OTHERS**

Mr.J.R. Shah, Advocate for the applicants.

Mr.S.B. Pulkundwar, AGP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 19.07.2023**

PC :-

01. Heard learned Advocate for the applicants and learned AGP for the respondent/State. The applicants had filed a writ petition bearing W.P. No. 8593 of 2015. The applicant earlier to this petition had filed writ petition bearing W.P. No.8271 of 2013. This Court by order dated 18.02.2014 had disposed off the matter directing authorities to take decision a fresh. However, the petitioner was directed to deposit an amount of Rs.4 lakhs with respondent No.3 to show bona fides. The amount was directed to be deposited within three weeks from the date of the order. The petitioner deposited the amount on 24.02.2014. The Authority, however, passed similar order even after hearing the petitioner, as directed by this Court in the order dated 18.02.2014. The petitioner, therefore, was required to again file W.P.

No.8593 of 2015, which is pending after the notices are issued.

02. When this was the position, the Government declared Amnesty Scheme, thereby waiving the interest and penalty towards deficit of stamp duty for registering two documents i.e. document No.2393/2003 and 2394/2003. Since in view of Amnesty Scheme, the amount of interest and penalty is waived, the Joint District Registrar, Class-I and Stamp Collector, Nandurbar by way of communication dated 27.09.2022 communicated that the petitioner has to pay amount of Rs.3,37,600/-. The petitioner in view of the Amnesty Scheme has deposited following amount.

Rs.3,37,600/-	-	Stamp duty
Rs.30,000/-	-	Registration fee
Rs.1,35,040/-	-	Amount of fine as on 30 th July, 2022.

03. By way of communication dated 27.09.2022 the Joint District Registrar and the Collector of Stamps, Nandurbar acknowledged the deposit of amount and communicated that after the withdrawal of Writ Petition No. 8593 of 2015 a certificate under section 41 will be issued.

04. The applicant has, therefore, filed this application with prayer in the application stating that the amount of Rs.4 lakhs was directed to be

deposited only to show bona fides. The petitioner has already deposited the amount with the Registrar, Nandurbar. The application is, therefore, filed seeking direction to refund the amount deposited as per order passed by this Court dated 18.02.2014 in Writ Petition No.8271 of 2013.

05. In view of the facts stated above, this Court finds that purpose of keeping the amount with the Registrar is over and further keeping the amount as it is will not serve any purpose. Hence, the following order :-

ORDER

- (i) Civil Application No.15615 of 2022 is allowed in terms of prayer clause (A) and accordingly disposed off.
- (ii) The amount be deposited as early as possible and preferably within six weeks from today.
- (iii) In view of order passed in Civil Application No.15615 of 2022, Writ Petition No.8593 of 2015 becomes infructuous, as the purpose of the petition is over. Therefore, learned Advocate for the petitioner seeks leave to withdraw the writ petition. Therefore, Writ Petition No.8593 of 2015 is disposed off as withdrawn.

[KISHORE C. SANT, J.]