

Chaitali Ekke

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 127 OF 2020

Ankit Doshi H.U.F.

...Petitioner

Versus

Chief Controlling Revenue Authority and
Ors.

...Respondents

....

Ms. Leena Shah i/b M/s. Shah & Furia Associates, Advocate for
Petitioner.

Mr. Himanshu B. Takke, AGP for Respondent Nos. 1 to 3.

....

CORAM : RAJESH S PATIL, J.

DATED : 17TH FEBRUARY 2023

P.C.:

1 By way of this Writ Petition, the Petitioner is seeking a writ of Mandamus, requesting the Respondents to give an opportunity of hearing, on the representation made by him, which are annexed to the Petition by way of Exhibit 'D' to 'H'. It is the case of the Petitioner that there is a transfer of tenancy and the stamp duty charged by the authorities on the document is 5% and also addition 1% (being the purported Metro cess charges). However, the Petitioner has paid the additional 1% amount under protest.

2 The Petitioner has today tendered a Compilation of Documents, which contains 7 documents of transfer of tenancy agreement wherein a stamp duty at the rate of 5% has been charged

and there is no charge of additional 1% on account of Metro cess. A copy of the Compilation is also handed over to the Advocate for the Respondents.

3 In view of this, the present Writ Petition is allowed in terms of prayer clause (a). The same is reproduced hereinbelow :

(a) this Hon'ble Court be please to issue a Writ of Mandamus or any Writ, Order or direction inter alia directing Respondents to look into the matter as requested by the Petitioner vide its various letters being at "Exhibit-D to H" annexed hereto by giving proper opportunity of hearing to the Petitioner and thereafter pass necessary directions in respect to claim of the Petitioner;

4 The Respondents to allow the Petitioner to either make a representation in-person or through his authorised representative. The Respondents will hear and pass a speaking order taking into consideration the representation made by the Petitioner and the documents tendered today by way of compilation.

5 The matter to be decided by the Respondents within a period of three months, from today.

6 All contentions of the parties are kept open. Writ Petition is accordingly disposed off. Parties to Act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)