

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 194 OF 2024

Kaluram Kisan Hargude ...Petitioner
Versus
The State of Maharashtra
Through its Additional Chief Secretary
(Revenue, Stamp Duty and Registration) and Ors. ...Respondents

Mr. V.V. Tapkir a/w V.D. Tapkir, for the Petitioner.
Ms. P.J. Gavhane, AGP, for the Respondent- State.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 20 JANUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs :-

- “b) to issue an appropriate writ of mandamus or any other writ order or directions in the nature of mandamus or any other suitable writ directing the Respondents to hold an inquiry into the captioned issue and the subject matter concerning the adequacy and/or sufficiency of the stamp duty actually and legally liable to be paid or affixed on the alleged instrument of sale deed purported to have been registered by the parties thereto in respect of the land in question on Deed of Sale dt. 17.09.2013 vide registration no. 10792 of 2013 with reference to and in the backdrop of the aforesaid peculiar facts described in this petition and to determine the actual and proper amount of stamp duty required to be paid in respect of such sale deed in accordance with law and if the same is found to be insufficient on any count, take all the necessary legal steps for the recovery of the deficit stamp duty from the parties to such sale deed by invoking the powers conferred upon them under the stamp Act in this regard; and

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- c) In course of such inquiry, if any malpractice deception or fraudulent act or commission of any offensive act or violative of any law is found to have been committed by any person, appropriate directions be issued against the Respondents to hold appropriate inquiry in that regard and initiate appropriate proceedings for such purpose in exercise of their powers under the Bombay Stamp Act, 1958 or under any other law.”

2. The petitioner has questioned the said document and the stamp duty paid on such documents as it is his contention that they are relevant to him for the proceedings of Civil Suit No.465 of 2014 filed by him before the Court of Civil Judge, Senior Division, Pune. It is his contention that such civil suit is for partition and some of the family members have resorted to illegal transfer of the property which is the subject matter of suit and it is for raising such contentions in the suit the petitioner intends to have the relevant information from the Stamp Authorities.

3. In our opinion, the petition is misconceived. If at all the petitioner intends to have any relief in that regard, if it is relevant to his suit, an appropriate application in that regard was required to be made by him in the proceeding of the civil suit and if such application was made, the same could be decided by the said Court in accordance with law, after hearing the contesting parties in the suit. We accordingly do not entertain this petition. It is accordingly disposed of, however, keeping open the remedy of the petitioner to urge such plea in the pending civil suit. Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]