

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16214 of 2020****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

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Approved for Reporting	Yes	No
		No
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SHABBIRBHAI HAMIDBHAI CHUNAWALA

Versus

SUB DIVISIONAL MAGISTRATE

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Appearance:

MR MA KHARADI(1032) for the Petitioner(s) No. 1

RULE SERVED for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**Date : 07/04/2026****ORAL JUDGMENT**

1. Present petition is filed by the petitioner under Articles 14, 19, 21, 226 and 227 of the Constitution of India r/w the provision of Gujarat Stamp Act and the provision of Gujarat Stamp Supply and Sales Rules, 1987 challenging the impugned order / communication dated 15.09.2020 with below mentioned relief/s:-

"11 (A) Admit this petitioner

(B) Allow this petition by quashing and setting aside the order / communication dated 15.09.2020 by which the respondent has refused to renew the petitioner's license under the Rules

(C) Allow this petition by declaring that the stamp vendor license can be refused to be renewed only if one of the exigencies arise as provided in of Gujarat Stamp Supply and Sales Rules.

(D) Grant the interim relief by staying the execution, implementation and operation of the order/communication dated 15.09.2020 and thereby directing the respondent to permit the petitioner to continue with his stamp vending profession, pending the hearing and till final disposal of this petition.

(E) Award the cost of this petition.

(F) Grant such other and further relief(s) which may deem fit to the Honourable Court in the interest of justice."

2. The facts of the case are that the petitioner has been holding a stamp vending licence since 2007 under the Indian Stamp Act, 1899 and the Court Fees Act. The petitioner has complied with Rule 6 of the Gujarat Stamps Supply and Sales Rules, 1987. None of the conditions under sub-rule (2) of Rule 6 have been violated. Despite this, the respondent, on extraneous and mala fide considerations, refused renewal of the licence by order dated 15.09.2020.

2.1 It is the case of the petitioner that Rule 6 read with Rule 10 provides a complete mechanism for grant and

renewal of licence. While granting or renewing a licence, the authority is required to verify eligibility and compliance with Rule 6. Rule 11 pertains to revocation; however, the present case concerns refusal of renewal.

2.2 The Rules do not require obtaining a police report. Nevertheless, the respondent sought such report with mala fide intent. The report merely refers to an FIR under the Animal Preservation Act, which is not a disqualification under the Rules. The respondent relied on irrelevant considerations without referring to any specific provision or valid instructions, and illegally refused renewal of the licence.

2.3 In view of the above facts the petitioner has filed present petition.

3. Heard Mr. Kharadi, learned counsel for the petitioner.

4. Mr. Kharadi, learned counsel for the petitioner submits that impugned communication dated 15.9.2020 by which the respondent has refused to renew the petitioner's license under the Rules deserves to be quashed and set aside. He has submitted that license of the petitioner has expired in the year 2020. He submits that in the facts and circumstances of the case, present petition may be allowed.

5. I have perused the record of the petition as well as

the relevant documents along with the impugned communication.

6. It appears that, by communication dated 15.09.2020, the application of the petitioner for renewal of the license came to be rejected by the respondent on the ground that an FIR had been registered against the petitioner under Sections 5(1)(a), 8(4), 9 and 10 of the Prevention of Cruelty to Animals Act. On that very ground, the application for renewal of the license was denied.

7. It appears that the licence had already expired in 2020, and the application for renewal was not considered by the authority on grounds which are not permissible under the Gujarat Stamp Supply and Sales Rules, 1987. There is no prohibition under the said Rules, particularly Rule 6, justifying such refusal.

8. In view of the above, the petitioner shall submit a fresh application before the respondent authority along with all necessary particulars. The respondent authority shall consider the application afresh, in accordance with law, without being influenced by the any order, and strictly in accordance with the Gujarat Stamp Supply and Sales Rules, 1987, as expeditiously as possible.

9. The petitioner shall file such application within a period of four weeks from the date of receipt of this order, and the respondent authority shall decide the same

within a period of eight weeks from the date of receipt of the application.

10. With aforesaid observations, present petition stands disposed of.

Direct service is permitted.

Sd/-
(HEMANT M. PRACHCHHAK,J)

SURESH SOLANKI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SURESHKUMAR MOTIBHAI SOLANKI(HC00208), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/04/2026 18:33:02