HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43245 of 2026

Yashpal Kasana And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sanjay Maurya, Saurabh Srivastava
Counsel for Respondent(s) : C.S.C.

Court No. - 34
(Sl.No.16)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Sanjay Maurya, learned counsel for the petitioners and Sri R.P. Tiwari, learned Standing Counsel for the State.

2. The instant petition has been filed with the following prayers::

"(i) Issue a writ, order or direction in the nature of certiorari quashing the recovery notice No. 1038 dated 29.09.2025 / 26.02.2026, issued by the respondent no.4, Additional Collector (City), Ghaziabad (Annexure no. 5) in pursuance of the order dated 05.02.2014 passed in Case No. 163 / 13.14 under Section 47-A of the Indian Stamp Act, 1899.

(ii) Issue an appropriate writ, order or direction commanding the respondent no. 2/ Board of Revenue, Uttar Pradesh, before whom the Stamp Appeal No 05 of 2014-15, dated 09.04.2014 is pending since then, in which petitioner deposited the statuary/mandatory amount under the law Rs. 5,94,818 on 05.03.2014., expeditiously, preferably within a period fixed by this Hon'ble Court, after affording the parties an opportunity of hearing;

(iii) Issue an appropriate writ, order or direction restraining the respondents from taking coercive recovery measures against the petitioners pursuant to the order dated 05.02.2014 and notice dated the recovery 29.09.2025/26.02.2026 during the pendency of the present writ petition, or until the pending appeal where the petitioners' application for interim protection are decided, as this Hon'ble Court may deem fit and

proper."

3. The primary grievance of the petitioners is that their statutory appeal being the Stamp Appeal No. 05 of 2014-15, which was filed by the petitioners on 09.04.2014 before the Board of Revenue, in which the petitioner has already deposited the statutory / mandatory amount of Rs. 5,94,818/-, was dismissed in default. Thereupon the petitioners herein preferred a recall/restoration application, which is pending in which the notices have already been issued and due to the dismissal of the said appeal, the recovery of the deficiency of the stamp is being pressed against the petitioner.

4. In such view of the matter, the Appellate Authority i.e. the Board of Revenue is directed to consider and decide the restoration / recall application at the earliest preferably within a period of four weeks from the date of communication of this order and thereupon, if the appeal is restored having found the reasonable cause for non-appearance of the counsel for the petitioner in the appeal, then the appeal may also be decided expeditiously preferably within three months from the date of restoration.

5. Till then, no recovery shall be pressed against the petitioner pursuant to the impugned order before the Appellate Authority.

6. The instant petition is accordingly, **disposed of.**

(Anish Kumar Gupta,J.)

October 24, 2026
Ashish Pd.

Digitally signed by :-
ASHISH PRASAD
High Court of Judicature at Allahabad