(2012) 07 BOM CK 0252

In the Bombay High Court

Case No : Writ Petition No. 550 of 1990

Ashok Bansilal Mutha and Another — APPELLANT

Vs

State of Maharashtra and Others — RESPONDENT

Date of Decision : 31-07-2012

Acts Referred:

Citation : (2013) 2 ALLMR 311 : (2012) 6 BomCR 118

Hon'ble Judges : Dharmadhikari B.P., J;Deshmukh Sunil P., J

Bench : Division Bench

Advocate : R.R. Mantri, for the Appellant; S.V. Kurundkar and G.P. for Respondents 1 to 4, for the Respondent

Judgement

Dharmadhikari B.P., J.—Heard Adv. Mr. Mantri, for the petitioner, and learned G.P. Mr. Kurundkar, for the respondents. The contention is, registration of an otherwise valid document tendered by the petitioners was being denied on the strength of a ready reckoner issued when there was no legal provision in Bombay Stamp Act, 1958.

2. Learned Counsel for petitioners states that amendment like section 32A and the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, have come into force subsequently. He submits that even after those amendments, there are certain grounds to challenge the annual statements issued under Rule 4 thereof. He reserves right of petitioner to challenge those amendments, if occasion therefore arises in future.

3. He submits that issue of valuation of 1990 document is likely to be opened, the moment Writ Petition is disposed of. He points out that document has been registered because of interim orders passed by this Court.

4. Learned Government Pleader does not dispute the fact that the document has been registered because of interim orders of this Court. He contends that provisions of law would take its own course.

5. In the light of Division Bench judgment of this Court, in the case of Prasadnagar Co-operative Housing Society Ltd. Vs. State of Maharashtra and Others, , it, is apparent that this Court has already found that such ready reckoner could not have encroached upon quasi judicial exercise of powers by Collector while determining true market value of the property. This Court, therefore, had issued certain directions and had also observed that ready reckoner at the most could have been used as a guideline.

6. Adv. Mr. Mantri on the strength of judgment of Hon. Apex Court in the case of Jawajee Nagnatham Vs. Revenue Divisional Officer, Adilabad, A.P. and Others, , has contended that such ready reckoner which has no statutory backing can not be used even as guidelines. We do not find it necessary to go into this controversy.

7. It is not in dispute before us that while determining market value of a property, the Collector functions as a quasi judicial authority and hence, he is to be guided only by the material made available to him by the parties. The ready reckoner or annual statement cannot, therefore, be used to influence said exercise. With these observations and giving petitioner liberty to approach again with all relevant challenges, if occasion therefor arises, we dispose of the petition. Rule is discharged. No costs.