
(2010) 03 AHC CK 0041
In the Allahabad High Court
Case No : C.M.W.P. No. 16293 of 2010

Ram Kishore Agarwal and Another	Vs	APPELLANT
State of U.P. and Another		RESPONDENT

Date of Decision : 30-03-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Stamp Act, 1899 — Section 47A(3), 56(1A)

Citation : (2010) 4 AWC 4082

Hon'ble Judges : Abhinava Upadhyaya, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Abhinava Upadhyaya, J.—The present writ petition has been filed challenging the order passed u/s 47A(3) dated 17.8.2004 and the order passed u/s 56(1A) of the Indian Stamp Act dated 18.2.2010 in the appeal filed by the petitioners against the order of the Collector.

2. From the order passed u/s 47A (3) of the Act, it is apparent that the notices were issued to the petitioners and were duly served upon them yet inspite of notice the petitioners did not contest the matter before the Collector in the proceeding initiated u/s 47A (3) of the Act and, therefore, the Collector proceeded ex-parte and determined the deficiency in the stamp duty. Against the said order the petitioners preferred appeal, which was also dismissed. Hence, the present writ petition.

3. This is settled principle of natural justice that before proceeding in any matter opportunity must be given to the affected persons to contest the proceeding. This opportunity was made available to the petitioners but they refused to avail the same and, therefore, they themselves are responsible for the order that has been passed. Therefore, the jurisdiction under Article 226 of the Constitution of India cannot be invoked for fault of the petitioners themselves.

4. The writ petition is misconceived and it is, accordingly, dismissed.