

**Court No. - 5**

**Case :-** WRIT - C No. - 9437 of 2022

**Petitioner :-** Sadhna Chaturvedi

**Respondent :-** State Of U.P. Thru. Prin. Secy. Stamp And Registration  
Civil Secrett. Lko. And 2 Others

**Counsel for Petitioner :-** Pradeep Kumar Rai,Prakarsh Pandey,Praveen  
Kumar Shukla

**Counsel for Respondent :-** C.S.C.

**Hon'ble Abdul Moin,J.**

1. Heard.

2. The instant petition has been filed for quashing of the orders dated 22.12.2015 and 24.04.2019, copies of which are annexure 1 & 2 to the petition.

3. Vide order dated 22.11.2015, the competent authority in proceedings under Section 47-A of the Indian Stamp Act, 1899 (hereinafter referred to as "Act, 1899") upon giving a specific finding of there being a hospital namely Shriram Hospital And Paramedical Centre on the land of the petitioner, which he himself has seen upon making an inspection, has required the petitioner to pay additional stamp duty and penalty which order, upon an appeal being filed, has been upheld with the dismissal of the appeal vide order dated 24.04.2019.

4. Considering the specific findings as recorded by the competent authority, this Court vide order dated 23.12.2022 has required the learned counsel for the petitioner to file a supplementary affidavit indicating as to whether the hospital, which has been found to be existing over the land, is existing on the land or not.

5. In pursuance therefore, learned counsel for the petitioner has filed his supplementary affidavit dated 13.01.2023 wherein paragraph 3, it has specifically been indicated that there is no hospital on the land in dispute.

6. A counter affidavit has been filed by the respondents whereby they have brought on record the spot inspection report dated 29.05.2014, a copy of which is annexure 1 to the counter affidavit filed by them. So far as the land in dispute is concerned, the learned Standing counsel states that in the inspection report at Serial No.3 i.e. Document No.4428 of 2013 pertains to the petitioner.

7. A perusal of the said report would indicate that there is no report indicating about any hospital being existing over the land in dispute.

8. Considering the aforesaid i.e. the supplementary affidavit filed by the petitioner vis-a-vis the spot inspection report dated 29.05.2014, it is strange that the competent authority has recorded a finding and that to going to the extent that in the inspection that has been conducted by him, he found Shriram Hospital And Paramedical Centre situated over the land which appears to be a ground which has prevailed on the competent authority to impose additional stamp duty and penalty on the petitioner.

9. Once in the spot inspection report as well as in the supplementary affidavit filed by the learned counsel for the petitioner no hospital whatsoever can be said to be existing over the land in dispute, it is, thus, apparent that the competent authority while passing the order impugned dated 22.12.2015 has totally ignored even the spot inspection report dated 29.05.2014 yet on the basis of the inspection conducted by him on some date which is not indicated in the said order arrived at a finding of a hospital being in existence over the land in dispute.

10. Prima facie, the findings recorded by the competent

authority of a hospital being situated over the land is contrary to the records, more particularly to the spot inspection report dated 29.05.2014. The competent authority has, however, recorded that a spot inspection has been conducted by him which is belied from the records.

11. Considering the aforesaid, let the **Principal Secretary (Stamp and Registration), Civil Secretariate, Lucknow** file his personal affidavit indicating as to how the competent authority has arrived at a finding of there being a hospital over the land in dispute keeping in view of the discussion made above. In case it is found that the said finding has been recorded without there being any material on record i.e. a wrong finding has been arrived at by the competent authority then as to what action is proposed to be taken against the said authority who prima facie has made a total departure from the spot inspection report dated 29.05.2014. Also, in case the said authority has retired as to whether proceedings can also be initiated against him under the provisions of Section 351A of the C.S.R.

12. Let the personal affidavit be filed within two weeks.

13. List this case for further hearing at 20.03.2024 at 02:15 P.M.

14. Till then no coercive action shall be taken against the petitioner in pursuance of the orders impugned.

15. In case the personal affidavit is not filed by the next date, then the Court may be constrained to summon the **Principal Secretary (Stamp and Registration), Civil Secretariate, Lucknow** to appear in person before this Court with records to assist the Court.

**Order Date :- 4.3.2024**  
S. Shivhare