



2026:AHC:127551

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23907 of 2026

Ashok Kumar

.....Petitioner(s)

Versus

Board Of Revenue Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiv Sagar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 49

HON'BLE KUNAL RAVI SINGH, J.

1. Heard Sri Shiv Sagar Singh, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. The present petition has been filed challenging the order dated 02.06.2026 whereby the stay application filed by the petitioner in Stamp Appeal No. 1390 of 2026; *Ashok Kumar vs. State of U.P. and Others*, has been rejected.

3. Learned counsel for the petitioner submitted that the petitioner preferred the aforesaid stamp appeal and deposited a sum of Rs. 9,33,440/- towards the statutory requirement for grant of stay. It is submitted that, according to the petitioner's calculation, the amount deposited represented one-third of the disputed amount as required under law. However, the Stamp Department calculated the requisite one-third amount as Rs. 13,19,251.20.

4. It is further submitted that if, according to the Department, the amount deposited was deficient, an opportunity ought to have been granted to the petitioner to make good the shortfall. Learned counsel submits that even today the petitioner is ready and willing to deposit the shortfall amount so as to complete the deposit of Rs. 13,19,251.20. However, since the stay application has been rejected, the petitioner is unable to avail the benefit of stay. Learned counsel makes a categorical statement that the entire shortfall amount shall be deposited within a period of two weeks,

provided an appropriate direction is issued by this Court.

5. Per contra, learned Standing Counsel submits that it was incumbent upon the petitioner to deposit the requisite one-third amount while filing the appeal and, in view of the deficiency, the appellate authority has rightly rejected the stay application. However, he fairly submits that if the petitioner is ready to deposit the shortfall amount, this Court may pass an appropriate order, ensuring that there is no loss to the State revenue.

6. I have considered the rival submissions and perused the record.

7. The order dated 02.06.2026 indicates that the amount required to be deposited as one-third of the disputed liability was Rs. 13,19,251.20, whereas the petitioner had deposited only Rs. 9,33,440/-. Thus, there is a shortfall of Rs. 3,85,811.20.

8. The petitioner has made a categorical statement before this Court that he is ready and willing to deposit the aforesaid shortfall amount within a period of two weeks. In view thereof, and in the interest of justice, this Court is of the opinion that one opportunity deserves to be granted to the petitioner to deposit the deficient amount.

9. Accordingly, the petitioner is permitted to deposit the shortfall amount of Rs. 3,85,811.20 within a period of two weeks from today along with a fresh application for stay of the order. In the event the aforesaid amount is deposited within the stipulated period, the appellate authority shall consider the petitioner's stay application filed with the deposit afresh, strictly in accordance with law.

10. However, in case the petitioner fails to deposit the aforesaid shortfall amount within the time granted by this Court, the order dated 02.06.2026 shall continue to operate and no further indulgence shall be granted.

11. For a period of two weeks from today, no coercive action shall be taken against the petitioner. However, if the petitioner fails to deposit the shortfall amount within the aforesaid period, the authorities shall be at

liberty to proceed in accordance with law.

12. With the aforesaid observations, the writ petition stands ***disposed of.***

(Kunal Ravi Singh,J.)

June 16, 2026

Sushma