

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3730 of 1994
Date of Decision: 01.07.2015.**

State of Haryana and another

.....Petitioners

Versus

Dr. Vikas Kaushal

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gaurav Bansal, AAG, Haryana.

None for the respondent.

SABINA, J.

State has filed this petition challenging the order dated 14.2.1994 whereby the appeal filed by the respondent, was allowed.

Learned State counsel has submitted that the District Judge vide the impugned order had set aside the order passed by the Collector dated 14.7.1993 whereby the stamp duty and registration charges were ordered to be recovered from the respondent on the basis of the assessed market value. The District Judge should have remanded the case to the Collector for a fresh decision.

None has appeared on behalf of the respondent.

Rakesh Kumar sold the land in question to the respondent vide sale deed dated 1.12.1992. When the sale deed was presented for registration, the Sub-Registrar sent the same to the Collector. The Collector assessed the market value of the land

at the rate of ₹ 50,000/- per acre. The stamp duty and registration charges were ordered to be recovered on the basis of the assessed market value. The learned District Judge set aside the order passed by the Collector on the ground that it had been passed in a mechanical manner by the Collector without holding any independent enquiry with regard to market value of the land in dispute. The learned District Judge while setting aside the order passed by the Collector dated 14.7.1993 should have remanded the case back to the Collector for a fresh decision, in accordance with law. However, the learned District Judge, although, set aside the impugned order passed by the Collector but had failed to remand the case to the Collector for a fresh decision.

Accordingly, impugned order dated 14.2.1994 is upheld to the extent whereby the impugned order passed by the Collector dated 14.7.1993, was set aside, but it is modified to the extent that the case is ordered to be remanded to the Collector for a fresh decision, in accordance with law.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

July 01, 2015
Gurpreet