

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No.2109 of 2003

Date of Decision: October 05, 2015

State of Punjab, through District Collector, Bathinda

...Petitioner

Versus

Kamlesh Rani deceased through L.Rs and others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Piyush Bansal, DAG, Punjab,
for the petitioner.

None for the respondents.

AMIT RAWAL, J. (Oral)

The challenge in the present revision petition is to the order dated 9.11.2002, whereby the appeal filed by the respondents against the order dated 14.10.1999 passed by the Collector, Bhatinda in proceedings initiated under Section 47-A of the Indian Stamps Act, has been set-aside.

Mr.Piyush Bansal, learned Deputy Advocate General, Punjab appearing on behalf of the State submits that the District Judge, being the first Appellate Court, has erroneously rendered a finding that the objection, vis-a-vis under value of the sale deed was

required to be taken immediately and not after long time. He further submits that the limitation is three years and, therefore, the finding of the Appellate Court is erroneous. He further submits that vis-a-vis the finding on the determination of the market value is concerned, the District Judge has erroneously held that the Collector did not ascertain the market value of the property in a fair and proper manner and only relied upon the report of the Naib-Tehsildar (Agrarian) and, therefore, the order under challenge is vitiated in law and liable to be set-aside.

I have heard the learned counsel for the petitioner-State and appraised the paper book.

No doubt, limitation to challenge the under valuation of the sale deed is three years, therefore, the finding by the District Judge vis-a-vis the aforementioned point is not acceptable.

As regards, the merits of the matter, the District Judge found that the Collector had arbitrarily got the report of Naib-Tehsildar (Agrarian) and as per the report, prevailing market value at the spot was ₹600-700 per square yard, whereas in the agreement to sell, it was mentioned as ₹3100/- per square yard, thus, the price fixed in the agreement to sell was not in consonance with the market rate and, therefore, the action taken by the Collector in determining the market value was vitiated in law.

I do not intend to differ with the findings rendered by the District Judge as the same have been based on the report of the

Collector and Naib-Tehsildar (Agrarian). No fault can be found with the same. The order cannot be said to have been passed without jurisdiction.

In view of what has been observed above, I do not intend to differ from the findings rendered by the District Judge. The same are accordingly upheld .

The revision petition is accordingly dismissed.

October 05, 2015
ramesh

(AMIT RAWAL)
JUDGE