

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

Civil Writ Petition No.6788 of 2012

Date of decision: 04.02.2015

Smt. Sadhna Sharma wife of late Shri N.K. Sharma, resident of House No.7, Sector 11-C, DLF Model Town, Faridabad, District Faridabad, Haryana.

... Petitioner

versus

State of Haryana, through Secretary, Department of Revenue, Haryana Civil Secretariat, Sector 17, Chandigarh, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Keshav Gupta, Assistant Advocate General,
Haryana.

K.Kannan, J. (Oral)

1. The counsel for the State points out to the fact that the dispute arose on account of the petitioner submitting for registration of a document that made reference to a transfer of one floor only. While the petitioner would state that there is no requirement that whole of the property must be purchased, the State was making an objection that there was also no instruction or rule that any portion of a building could be purchased.
2. There can be no fetter on registration in the manner that a party to the instrument wants it done so long as there is no breach

of the provisions of the Registration Act or there is no fetter on the purchase of undivided shares. A right in an immovable property can be transferred even with reference to a fractional share of the whole. The State's duty shall be to ensure that there is no evasion of stamp duty by deliberately making exclusion of property which is otherwise transferred. A transaction of sale of only one floor of a building will be perfectly competent, provided that the valuation of the building is proportionately worked out to a particular floor together with an undivided share of the land on which the building stands. The State will be entitled to make an inspection of the property and assess the correctness of the information and the details filled in the sale deed and if they conform to the requisite valuation as assessed by the State itself as per the circle rates for the value of the land and the PWD rates for the value of the building, the registration would be done on aggregate of such valuation.

3. The writ petition is disposed of with the above direction.

(K.KANNAN)
JUDGE

04.02.2015
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