

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2818 of 2015

Date of Decision.26.02.2015

Baljeet Singh

.....Petitioner

Versus

General Manager Gramin Bank and others

..... Respondents

Present: Mr. Devi Dayal Verma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J.(ORAL)

1. The petitioner's grievance is that the sale deed which he has executed has been got registered for a lower consideration than what was bargained for and the stamp duty has also been collected by the State less than of what the property was worth of. The petitioner will have no remedy before this Court for such relief, for, according to him if the respondent-purchaser has committed a fraud in securing a sale deed for less than the sale consideration that was bargained for, the appropriate remedy will be to seek for annulment of the sale by citing the vitiating circumstances. If, on the other hand, the petitioner is prepared to abide by the sale but would only state that the right sale consideration was not paid, the relief still be to seek for recovery of the amount against the purchaser which he has not paid. The remedy by means of writ petition is not appropriate.

2. The counsel for the petitioner also buttress his argument by

contending that it is constitutional right of what has been denied to him under Article 300A of the Constitution. Article 300A of the Constitution only provides for that no person would be deprived of his property otherwise than recourse to due process of law. Here is not the situation where the State is depriving the petitioner of any right to property. All that the petitioner is complaining is that sale deed which he has executed has been got registered for a lower consideration than what was bargained for. It is the purchaser of the property who according to the petitioner is not paying price in full. The relief sought for citing Article 300A is not the appropriate remedy.

3. The relief sought for through the writ petition is wholly misconceived. The writ petition deserves to be dismissed and accordingly dismissed.

(K. KANNAN)
JUDGE

February 26, 2015
Pankaj*