

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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C.M. No. 4775 of 2015 and
CWP No. 4653 of 2015

Date of Decision: April 10, 2015

Daljit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Maninder Arora, Advocate,
and Mr. Munish Jhanji, Advocate,
for the applicant/petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 4775 of 2015

Prayer in this application is for permission to place on
record the complete copy of order Annexure P-2 dated 22.03.2011.

Prayer granted. The complete copy of order Annexure P-
2 dated 22.03.2011 is taken on record.

Application stands disposed of.

CWP No. 4653 of 2015

It is the contention of the counsel for the petitioner that
the impugned order dated 22.03.2011 (Annexure P-2) passed by the
Collector (A.D.C.), District Fatehgarh Sahib, was based upon the
instructions dated 28.01.2011 issued by the Government of Punjab.
These instructions were challenged in **CWP No.24156 of 2013** titled
as **The Confederation of Real Estate Developers' Association of**
India Vs. State of Punjab and others.

During the pendency of the writ petition, the instructions dated 28.01.2011 and 12.09.2013, which were subsequently issued by the Government of Punjab stands withdrawn on 03.04.2014 (Annexure P-6). Counsel contends that since the very basis, which led to the passing of the impugned order dated 22.03.2011 (Annexure P-2) stands withdrawn by the Government itself, the additional stamp duty imposed cannot now be sustained.

Counsel contends that in pursuance to the above position, representation dated 12.02.2015 (Annexure P-8) was addressed to the Collector, Fatehgarh Sahib, by the petitioner requesting for recall/review of the order dated 22.03.2011 (Annexure P-2), but till date, no decision thereon has been taken or conveyed to the petitioner. He prays that the petitioner, at this stage, would be satisfied if a direction is issued to respondent No.3 to consider and decide the representation of the petitioner dated 12.02.2015 (Annexure P-8).

In view of the prayer made by the counsel for the petitioner, the present petition is disposed of with direction to the Registrar-cum-A.D.C.-cum-Collector, Fatehgarh Sahib-respondent No.3 to consider and decide the representation of the petitioner dated 12.02.2015 (Annexure P-8) within a period of three months from the date of receipt of certified copy of the order. Decision so taken be conveyed to the petitioner forthwith.

April 10, 2015

(AUGUSTINE GEORGE MASIH)
JUDGE