

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

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Civil Writ Petition No.4857 of 2015

Date of Decision: March 18, 2015

Gurcharan Das Gupta and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Jhanji, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioners that the impugned order dated 16.05.2011 (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the instructions dated 28.01.2011 and 12.09.2013, which were subsequently issued by the Government of Punjab stands withdrawn on 03.04.2014 (Annexure P-6).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that since the very basis, which led to the passing of the impugned order dated 16.05.2011 (Annexure P-2) stands withdrawn by the Government itself, the additional stamp duty imposed cannot now be sustained.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 petitioners requesting for recall/review of

the order dated 16.05.2011 (Annexure P-2), but till date, no decision thereon has been taken or conveyed to the petitioners. He prays that the petitioners, at this stage, would be satisfied if a direction is issued to respondent No.3 to consider and decide the representation of the petitioners dated 12.02.2015 (Annexure P-8).

In view of the prayer made by the counsel for the petitioners, the present petition is disposed of with directions to respondent No.3 to consider and decide the representation of the petitioners 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 petitioners forthwith.

March 18, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE