

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 6843 of 2015

Date of Decision: April 10, 2015

M/s Top Indian Promoters and Colonizers

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

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

AUGUSTINE GEORGE MASI, J. (ORAL)

It is the contention of the counsel for the petitioner that the impugned order dated 26.06.2012 (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the instructions dated 28.01.2011 and 12.09.2013, which were subsequently issued by the Government of Punjab stands withdrawn on 03.04.2014 (Annexure P-6).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that since the very basis, which led to the passing of the impugned order dated 26.06.2012 (Annexure P-2) stands withdrawn by the Government itself, the additional stamp duty imposed cannot now be sustained.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 25.03.2015 (Annexure P-8) was addressed to the Collector, Fatehgarh Sahib, by the petitioner requesting for recall/review of the order dated 26.06.2012 (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 25.03.2015 (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 25.03.2015 (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
pj

(AUGUSTINE GEORGE MASIH)
JUDGE