

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

124

Civil Writ Petition No.9120 of 2015

Date of Decision: May 08, 2015

Satish Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the impugned order dated 23.02.2011 (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 Versus 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the instructions dated 28.01.2011 and 12.09.2013, which were subsequently issued by the Government of Punjab stands withdrawn on 03.04.2014 (Annexure P-6).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that since the very basis, which led to the passing of the impugned order dated 23.02.2011 (Annexure P-2) stands withdrawn by the Government itself, the additional stamp duty imposed cannot now be sustained.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 22.04.2015 (Annexure P-8) was addressed to the

Collector, Fatehgarh Sahib, by the petitioner requesting for recall/review of the order dated 23.02.2011 (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 22.04.2015 (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 22.04.2015 (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.

May 08, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE