

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

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**C.M. No.22-LPA of 2015 and
LPA No.1890 of 2014**

Date of Decision: January 08, 2015

Arun Bajaj

...Appellant

Versus

Jasbir Singh Johal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Amit Jhanji, Advocate
for the appellant.

Mr. Vinod S. Bhardwaj, Additional Advocate General, Punjab.

Mr. Amandeep Singh Gill, Advocate
for respondent.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral)

C.M. No.22-LPA of 2015

Allowed.

Judgment dated 22.07.2014 is taken on record as
Annexure R-1.

LPA No.1890 of 2014

Admit. Heard finally.

2. This is an appeal against the order of learned Single Judge,
disposing of the writ petition filed by the respondent No.1 (writ petitioner).
The appellant original respondent No.5 had purchased two adjacent
properties and had the same registered. The respondent No.1 complained

that they were registered by making a false statement to avoid stamp duty. One of the properties was actually a commercial property but had been registered as a residential property with a view to avoid stamp duty. The respondent made a complaint to the Collector to this effect, who by an order dated 10.09.2011 upheld the contention of the respondent computing the stamp duty accordingly and directed the Sub Registrar to initiate proceedings under Section 82 of the Registration Act, 1908 against the appellant. The appellant challenged this order before the Commissioner, who by an order dated 10.12.2012 directed the Collector to look into the provisions of law and pass a fresh speaking order. The Commissioner also stayed proceedings under Section 82 of the Registration Act till the proceedings were decided upon remand by the Collector.

3. The learned Single Judge vide the impugned order interfered with the order of the Commissioner only to the limited extent that the Commissioner had stayed the proceedings under Section 82. It is this part of the order that the appellant is aggrieved by.

4. In our view there was no warrant for staying the order of the Commissioner to the extent that it stayed the further proceedings under Section 82. It is true that one of the contentions taken by the appellant was that the order of the Collector was barred by limitation. However, the jurisdiction of the Collector was also called in question. In the event of the appellant succeeding on merits as well or on the grounds of jurisdiction of the Collector, there would be no question of initiating proceedings under Section 82. If the appellant ultimately succeeds, he would unnecessarily be dragged into a long drawn litigation and prosecution under Section 82.

These proceedings can always continue in the event of the appellant being

unsuccessful before the Collector and in any further challenge against the order passed by him. The impugned order in so far as it interfered with the order of the Commission staying further proceedings under Section 82 is, therefore, set aside. In these circumstances the Letters Patent Appeal is allowed.

5. We are however, informed that an FIR has already been filed. Charges have not been framed as yet. We cannot interfere with the proceedings pursuant to the FIR. It is always open to the appellant to rely upon this order in any proceeding related to or in connection with the FIR.

**(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE**

January 08, 2015
Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**