IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-49-2015 (O&M)
Date of decision:- 14.01.2015

Kiranjit Kaur and another

...Appellants

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Vikas Mehsempuri, Advocate,
for the appellants.

* * * *

S.J. VAZIFDAR, A.C.J. (ORAL)

This is an appeal against the order of the learned Single Judge staying the recovery impugned in the writ petition subject to the appellants depositing 50 per cent of the deficient stamp duty computed by the impugned order.

2. It is true that the respondent No. 2 – Divisional Commissioner, Patiala Division, Patiala has made observations in the impugned order dated 03.11.2011 and computed the amount on the basis of his personal knowledge at the rate of ₹ 50 lacs per acre. However, it is also important to note that the collector rates which are official publications have also been referred to in the impugned order. It is not suggested that the computation is contrary to the collector rates. The respondent No. 2 has also passed strictures against the computation in as much as the same was contrary to the collector rates by getting reports from the CRO and applying the collector rates of the adjoining village. Even the computation requires consideration at the time of hearing of the writ petition. The learned Single Judge has exercised his discretion in granting the stay to the recovery subject to the petitioners

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depositing 50 per cent of the deficient stamp duty. It has not even been demonstrated to us that the impugned computation by the respondent No. 2 is contrary to the collector rates.

3. In these circumstances, the exercise of discretion by the learned Single Judge warrants no interference.

4. The appeal is accordingly dismissed. However, the time to deposit the amount of ₹ 24,00,600/- towards the deficient stamp duty is extended upto 22.02.2015.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

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