

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17487 of 2010
Date of Decision: February 01, 2016

Sh.Gurmeet Singh Makkar

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Shrey Goel, Advocate, for
Mr.J.K.Goel, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Harit Sharma, Advocate, for respondent Nos.2&3.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The only controversy surviving in this writ petition pertains to the petitioner's liability towards the Stamp-duty charges leviable on the Conveyance Deed executed in his favour by the Greater Mohali Area Development Authority (GMADA) in respect of House No.HIG-1685, Sector-70, SAS Nagar Mohali.

[2] It is an admitted fact that the State of Punjab issued a notification dated 31.03.2010 (R-2) as an incentive to the property-owners to get the Conveyance Deed/Sale-Deed registered at the original allotment price. Such Deeds were to be presented for registration before 30.06.2010. While the petitioner claims that he presented the Conveyance Deed

executed in his favour by GMADA, for registration on 24.06.2010 so as to avail the benefit under the above-stated notification, the official-respondents have controverted his claim as according to them, he presented the Conveyance Deed for registration on 31.12.2010.

[3] Be that as it may, the Government of Punjab, Department of Revenue, has issued another notification dated 08.04.2015 whereunder same benefit has again been extended to the property-owners. Under this notification, the last date to submit the Conveyance Deeds for registration was 07.06.2015. The petitioner was asked vide letter dated 18.08.2015, i.e., after the expiry of the cut-off date, to seek registration of Conveyance Deed under the aforesaid notification. The petitioner is said to have given written consent on 26.08.2015 with a long story that he had already submitted the documents for registration in the year 2010.

[4] This Court is not expected to hold a roving enquiry to determine whether the petitioner had applied to avail the benefit of notification dated 31.03.2010 on time or that the benefit of new notification was offered to him on 18.08.2015 only. Suffice it would be to dispose of this writ petition with a direction to the Deputy Commissioner-cum-Collector, SAS Nagar Mohali to call for the records; hear the petitioner and then determine as to why he has been deprived of the benefits under the notifications dated 31.03.2010 or dated 08.04.2015. If it is found that the petitioner was not at fault, the Conveyance Deed is directed to be registered as per the notification dated 08.04.2015. The needful shall be done within a period of three months from the date of receiving a certified copy of this order.

[5] If the petitioner is still dissatisfied, he shall be at liberty to initiate appropriate proceedings in accordance with law.

[6] Ordered accordingly.

[7] Dasti.

[SURYA KANT]
JUDGE

February 01, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE