

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CWP No.20574 of 2016  
Date of decision:04.10.2016**

Amandeep Singh

...Petitioner

**Versus**

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

**Present:** Mr.Abhishek Singla, Advocate for the petitioner.  
Ms.Monica Chhibber Sharma DAG, Punjab,

**RAMESHWAR SINGH MALIK, J. (Oral)**

In compliance of notice of motion order dated 30.9.2016, reply by way of affidavit dated 3.10.2016 of Balwinder Pal Singh, Tehsildar-cum-Sub-Registrar, Mansa along with Annexures R-1 and R-2 has been filed in the Court today and the same is taken on record. Copy has been supplied to the learned counsel for the petitioner.

During the course of hearing, it has gone undisputed before this Court that the impugned recovery notice dated 26.8.2016 (Annexure P-3) was issued without following the mandatory procedure. No opportunity of being heard was granted to the petitioner. In this view of the matter, the impugned order dated 26.8.2016 (Annexure P-3), whereby amount was sought to be recovered from the petitioner without passing an appropriate order by the competent authority, would be an order without jurisdiction, which cannot be upheld.

When confronted with the above-said fact situation, learned counsel for the State had no answer and rightly so, it being a matter of record. In this view of the matter, the impugned order is liable to be set aside.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order (Annexure P-3) is an order without jurisdiction, the same cannot be sustained.

Accordingly, the impugned recovery notice dated 26.8.2016 (Annexure P-3) is hereby set aside, however liberty is granted to the respondent authorities to proceed further, in accordance with law, by passing an appropriate order.

Resultantly, with the above-said observations made and directions issued, the instant writ petition stands allowed, however, with no order as to costs.

**04.10.2016**  
**mks**

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No