

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

CWP No.22504 of 2014 (O&M)
Date of decision: 19.1.2016

Saurav Jindal and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Munish Gupta, Advocate, for the petitioners.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

RAJESH BINDAL, J

Learned counsel for the petitioners submitted that the relief claimed in the present petition seeking a direction to decide the cases pertaining to impounded sale deeds, has been rendered infructuous, as the Collector has decided the same, but the petitioners being aggrieved are in appeal.

Learned counsel for the petitioners further pointed that an application was filed by Gurmail Singh and Rakesh Kumar Jain for impleading as respondents No.3 and 4 in the petition along with application bearing CM No.777 of 2015 for modification of the interim order. The application for modification of the interim order was disposed of by this Court on 20.1.2015 directing that even after decision of the issue regarding under valuation of sale consideration and payment of deficit stamp duty, the sale deeds be not released to the petitioners. However, finally application filed for being impleadment as respondents No.3 and 4 in the petition was dismissed by this Court on 14.7.2015 holding that they do not have any interest in that property. He further submitted that in fact there is no litigation pending with any person pertaining to the suit property. Hence, the interim order directing withholding of sale deeds even after the payment of deficit stamp duty, deserves to be vacated.

Learned counsel for the State did not dispute the fact that the Collector has already decided the issue regarding under valuation of the property for the purpose of registration of the sale deeds. However, regarding interim order, counsel for the State submitted that the application for modification of the same was filed by Gurmail Singh and Rakesh Kumar Jain, hence, the State has nothing to do with that.

After hearing learned counsel for the parties while disposing of the petition as having rendered infructuous, it is clarified that the sale deeds impounded be released to the petitioners on payment of deficit stamp duty, as the modification of the interim order directing withholding of the sale deeds, even after payment of deficit stamp duty was passed on an application filed by Gurmail Singh and Rakesh Kumar Jain, seeking impleadment and modification of the interim order and their application for being impleadment was dismissed. The definite stand of the petitioners is that there is no litigation pending pertaining to the property in question.

The petition is disposed of accordingly.

(RAJESH BINDAL)
JUDGE

19.1.2016

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