

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.4978 of 2013 (O&M)

Date of Decision:- 17.2.2016

Smt.Shanti Devi & Ors.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present:- Mr.Vikram Singh, Advocate for the petitioners.

Mr.Ashok S.Chaudhary, Addl. AG Haryana.

Rajesh Bindal, J.

The petitioners have approached this Court impugning the order 15.1.2013 (Annexure P4) passed by respondent No.1, order dated 20.4.2011 (Annexure P3) and order dated 27.8.2009 (Annexure P1) passed by Deputy Commissioner-cum-Registrar, Palwal, vide which, the registration of the sale deed of the land purchased by the petitioners was declined on the ground that the property falls in the State of Uttar Pradesh.

In the affidavit dated 16.2.2016 of Tehsildar-cum-Sub Registrar, Tehsil & District Palwal, filed today in Court, which is taken on record, it has been stated that part of the property is situated in the State of Haryana, whereas partly it is in the State of UP and petitioners shall be at liberty to get the sale deed registered pertaining to the property located in the State of Haryana. The Khasra numbers thereof have also been mentioned in the affidavit.

Learned counsel for State submitted that the Registrar

concerned shall register the sale deed pertaining to the land falling in the State of Haryana.

Learned counsel for petitioners submitted that petitioners had purchased the stamp papers way back in the year 2009, when the sale deed was presented for registration. The stamp papers and the rate at which the land was purchased by the petitioners should be considered by the Sub-Registrar for the purpose of registration and balance stamp papers be returned to the petitioners for seeking refund thereof.

Learned State counsel submitted that the petitioners should get the sale deed registered at current rate. However, the balance stamp papers after adjusting the stamp duty at current rate will be returned.

On the issue of levy of stamp duty, I am of the considered opinion that as the petitioners presented the sale deed in the year 2009, but the same could not be registered on account of technical reason that the property is located in the State of UP and now the issue has been sorted out and sale deed pertaining to the land situated in Haryana is being registered, it is directed that the amount of stamp papers payable by the petitioners shall be at the rates prevailing in the year 2009 when the sale deed was presented for registration and after adjustment, balance stamp papers shall be returned to the petitioners.

The present petition is disposed of accordingly.

(Rajesh Bindal)
Judge

17.2.2016
AS