

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

CWP-6665-2016

Date of decision : May 16, 2016

Gurmit Singh

.....Petitioner

Versus

State of Punjab and Others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MR.JUSTICE GURMIT RAM**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present : Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

S.S. SARON, J.

The petition has been filed seeking a mandamus for directing the official respondents to cancel the sale deed dated 18.12.2013 (Annexure P-3) executed by M/s Khadi Gram Udyog Mandal-respondent No.4 on the ground that the sale consideration is under-valued and consequently less stamp duty has been affixed. A further prayer has been made for directing the respondents to decide the representations of the petitioner and restrain Great Green Build India (P) Ltd., Jalandhar-respondent No.8 from further

selling the property after constructing shops over it.

The petitioner claims that he is a citizen of India and a public spirited person. He has filed the present petition in public interest. The petitioner has not mentioned any of his antecedents or credentials except stating that he is a public spirited person. Rule 7 of the Maintainability of Public Interest Litigation Rule, 2010, provides that “*Registry is entitled to verify the antecedents of a person, society or an association who invokes the jurisdiction of the High Court on the cause of public interest*”. Besides, the Hon'ble Supreme Court in **State of Uttaranchal v. Balwant Singh Chauhan and Others**, (2010) 3 SCC 402 has inter alia issued directions to preserve sanctity of Public Interest Litigation. Serial No.3 of the directions is to the effect that “*the Courts should prima facie verify the credentials of the petitioner before entertaining a Public Interest Litigation*”.

The petitioner has not placed on record any public service or cause that he may have done. In any case the grievance of the petitioner is that the sale deed dated 18.12.2013 (Annexure P-3) that has been executed by M/s Khadi Gram Udyog Mandal-respondent No.4 is undervalued as regards the price of the sale consideration and consequently less stamp duty has been affixed on the sale document. According to the petitioner, the site in question is a commercial site and stamp duty is liable to be affixed. The sale deed has been executed for a consideration of Rs.2,64,50,000/- for land measuring 11 kanal 1 marla and 180 feet in District Tarn Taran. Petitioner submitted a representation (Annexure P-9) to the Deputy Commissioner, Tarn Taran for initiating legal action against purchaser, seller and officials

for committing a fraud with the government by getting the execution of registry from revenue department at a lesser rates for a double story building of commercial property bearing Khasra No.140//7/1(2-12), 1336 (1-12-61), 1337 (6-17-119) by showing it as a vacant plot. The Deputy Commissioner Tarn Taran in his reply dated 21.07.2015 (Annexure P-10) informed the petitioner that an inquiry had been got conducted from Sub-Divisional Magistrate, Patti. According to the report of Sub-Divisional Magistrate, Patti a report had also been obtained from the Sub-Registrar, Patti regarding the complaint. According to the report of the Sub-Registrar, Patti the place in question related to the Khadi Gram Udyog. Khadi Gram Udyog has lifted its debris and the land was vacant, besides, the sale documents in respect of the land had been done as per Collector rate and there was no deficiency in the stamp that was affixed in any manner on account of which the department may have suffered loss. These documents had been correctly executed and in accordance with rules. However, despite that the petitioner had addressed a representation dated 02.09.2015 (Annexure P-11) to the Home Secretary, Punjab Government, Chandigarh (Annexure P-11); he also sent a legal notice dated 02.09.2015 (Annexure P-12) to the Secretary Revenue, Punjab Government, Chandigarh, besides, a legal notice dated 26.09.2015 (Annexure P-13) to the Hon'ble Deputy Chief Minister, Punjab (Chandigarh).

During the course of hearing learned counsel for the petitioner has shown proposed rate list of rural area Tehsil Patti for the years 2015-16 which also contains the rates for the year 2014-15. It is to be noticed that

the sale deed Annexure P-3 is stated to be executed on 18.12.2013 i.e. for the year 2013-14, the rate list of which has not been quoted. Deputy Commissioner after having got an inquiry conducted from Sub-Divisional Magistrate has also obtained the comments of the Sub-Registrar and he came to the conclusion that the rates had been properly affixed. There is no ground to interfere especially when the petitioner has not shown as to how he is interested in pursuing the petition.

In the circumstances, there is no merit in the petition and the same is accordingly dismissed.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

May 16, 2016

Gaurav Sorot