

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 15325 of 2017

Date of decision : 24.07.2017

Balwant Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nakul Sharma, Advocate for the petitioner.

RAJAN GUPTA J.

Notice of motion.

On the asking of court, Mr. Vikas Mohan Gupta, Addl. A.G.

Punjab accepts notice.

Petitioner has posed a challenge to order dated 29.03.2016 passed by Commissioner, Jalandhar Division, operative part whereof reads as under:-

“I have considered the arguments of the counsel for the parties and have also carefully gone through the record. Although the agreement of sale is dated 6/12/2003 but the sale deed has been executed and registered only on 18/3/2011. The Collector Ratre prevalent at the time of the execution and registration of the sale deed in question, should have been made effective and stamp duty and registration fee should have been paid in accordance with the then prevalent Collector Rate. Therefore, loss to State Exchequer has been caused. The present appeal is accordingly accepted and the case is remanded back to the District Collector, Tarn Taran/Sub Registrar Patti, who shall issue notice to the party concerned under Section 47-A of the India Stamp Act, for charging stamp

duty and registration fee at the rate of prevalent Collector, Tarn Taran on 2/5/2016 for further proceedings. ”

Learned counsel for the petitioner submits that in view of observation made aforesaid, petitioner may not be afforded an opportunity of hearing by the Collector. He has also placed reliance on certain judgments. Learned State counsel submits that matter has already been remanded to the District Collector. He would have no objection in case matter is decided after hearing both sides. He also places reliance on certain judgments of the apex court.

In view of above, I am of the considered view that no interference in writ jurisdiction is called for as the matter has already been remanded to the District Collector. Dismissed. It is, however, made clear that said authority shall grant opportunity of hearing to both the parties and pass a fresh order as per law.

July 24, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No