

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

CWP No.4676 of 2013
Date of Decision:31st August, 2017

Sir Chhotu Ram Co-operative Group Housing Society, GH-8A, Sector 20,
Panchkula

. . . . Petitioner

Vs.

The Collector-cum-Deputy Commissioner, Panchkula and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Bhag Singh, Advocate, for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

Mr.Pritam Saini, Advocate, for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner is a group housing Society. It was allotted a plot bearing No.GH-8A situated in Sector 20, Panchkula, measuring 3000 sq. mtrs for a sum of ₹36,18,000/- by Haryana Urban Development Authority [for short 'the HUDA'] in the draw of lots held on 18.10.1995. The petitioner was to pay the sale consideration in five installments upto 18.10.2000. As per condition No.10 of the allotment letter conveyance deed was required to be executed after payment of the stamp duty and registration charges. It is alleged that the Society has already paid the entire sale consideration to the HUDA and construction of the plot has also been completed in the year 2001. The Society applied for occupation certificate to

the Estate Officer, HUDA, Panchkula, who, before issuance of the occupation certificate, asked the Society to get the conveyance deed executed in accordance with law. The Society authorized its President to get the conveyance deed executed after purchasing stamps of ₹5,60,800/- from the Treasury on 9.8.2001 on which the conveyance deed was scribed. Thereafter on 20.8.2001, the Estate Officer, HUDA, Panchkula issued the occupation certificate and later on the water and sewerage connections were also granted on 27.9.2001 and 5.10.2001 respectively. After the execution of the conveyance deed, the HUDA was required to send the conveyance deed to the concerned Sub Registrar for registration of the same but it is alleged that the official of the HUDA instead of sending the conveyance deed to the Sub Registrar returned the same to the President of the Society without any instructions and the President of the Society, allegedly, inadvertently, instead of presenting the conveyance deed to the Sub Registrar for registration, kept the same in the office of the Society. It was later on realized that the conveyance deed has not been executed and on 19.7.2012, the Society took a decision to present the conveyance deed but through its Secretary before the Sub Registrar with an application. The Sub Registrar to whom the conveyance deed was presented for registration returned the same on 1.8.2012 with the observation that the conveyance deed was executed on 16.8.2001 and cannot be registered after the expiry of eleven years. On 25.9.2012, the conveyance deed was again presented before the Registrar after seeking condonation of delay but it was again returned in view of the report of the Stamp Auditor, Panchkula that the case is not covered under Sections 23 & 24 of the Haryana Registration Manual. The petitioner again brought the matter to the notice of the members of the

Society on 29.11.2012 and it was decided to make a representation to respondents No.1 & 2 with a prayer to refund the amount of Stamp worth ₹5,60,800/- or the said stamps be allowed to be reused for the purpose of execution of fresh conveyance deed. It is alleged that inspite of expiry of the period of two months of the representation dated 29.11.2011, the same has not been decided and hence, the present petition was filed for seeking a direction to respondents No.1 & 2 to refund the amount of ₹5,60,800/- spent on the stamps for the execution of conveyance deed or in the alternative respondent No.3 was sought to be directed to review/re-executive the conveyance deed and to direct respondents No.2 & 3 to allow the staid stamps to be reused.

After notice, the respondents have filed their respective replies.

Respondents No.1 & 2 have stuck to their stand that the spoiled stamps cannot be allowed to be reused for the purpose of execution and registration of conveyance deed. Whereas, the stand of the HUDA is that they would cooperate with the petitioner for the purpose of execution of the conveyance deed if it is executed on the fresh stamp papers.

On the last date of hearing, learned counsel for the petitioner had taken time to seek instructions for purchasing new stamp papers for re-execution of the conveyance deed for the purpose of its registration.

Learned counsel for the petitioner has stated at the Bar that he has the instructions from the petitioner to purchase new stamp papers provided direction is issued to the HUDA to cooperate with the petitioner for the purpose of execution of conveyance deed and also for its registration.

Learned counsel for respondent No.3 has assured the Court that if the petitioner purchases new stamp papers and executes the conveyance

deed, in accordance with law, then the HUDA would cooperate and get it registered, in accordance with law, with the Sub Registrar.

In view thereof, the present petition is hereby disposed of.

31st August, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>