

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2754 of 2015 (O&M)
Date of decision: August 11, 2017

Ram Singh ...Petitioner

Versus

Commissioner, Hisar Division, Hisar & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sant Lal Barala, Advocate for the petitioner.
Mr. Rohit Arya, AAG, Haryana.

Rajan Gupta, J.

Petitioner has prayed for a writ in the nature of certiorari for quashing order dated 15.07.2014 (Annexure P-3), passed by Commissioner, Hisar Division, Hisar as well as order dated 16.07.2013 (Annexure P-2), passed by Sub Divisional Officer-cum-Collector, Fatehabad, exercising the powers of Collector, Fatehabad, whereby petitioner has been directed to pay stamp duty to the tune of Rs.3,51,443.75 P. qua registered sale deed No.7246 dated 07.01.2013.

Brief factual matrix of the case is that petitioner entered into an agreement to sell with one Bhim Sain regarding land measuring 72 Kanals 17 Marlas. The vendor wriggled out of the agreement and thus, petitioner had to take legal recourse by filing a civil suit, which was decided on 18.12.2010. Sale deed No.7246 dated 17.01.2013, was got executed and registered through the court. However, later on, the Sub Registrar impounded the said sale deed for adjudication of deficiency of stamp duty.

On a reference being made by the Sub Registrar, Collector, Fatehabad, vide order dated 16.7.2013, directed the petitioner to pay Rs.3,41,443.75 P. in Government Treasury on account of deficiency of stamp duty and Rs.40,000/- as registration fee. Aggrieved, petitioner preferred appeal before Commissioner, Hisar Division, Hisar, but the same was dismissed vide order dated 15.07.2014. Aggrieved, petitioner has filed the present writ petition.

I find no infirmity with the orders passed. It is evident that sale deed No.7246 dated 17.01.2013 was impounded by the Sub Registrar, who referred it to the Collector for adjudication of deficiency of stamp duty. Petitioner appeared before the Collector and gave statement that as per agreement, said sale deed was registered, but Collector visited the spot along with revenue staff and calculated deficiency of stamp duty. Agreement to sell was executed on 29.08.2008, whereas said sale deed was executed on 17.01.2013. I am of the considered view that petitioner is not entitled to any concession due to long litigation and he is liable to pay balance stamp duty (see judgment reported as *State of Haryana & others vs. Manoj Kumar, 2010 (4) SCC 350*). I find no scope for interference in writ jurisdiction. Same is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 11, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No