IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10295 of 2017
Date of Decision:-06.08.2018

Jasbir Kaur and another

...Petitioners

Versus

Commissioner Hisar Division, Hisar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present:- Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG Haryana.

JITENDRA CHAUHAN J.(Oral)

Prayer in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the orders dated 17.4.2014 (Annexure P-1) and 08.11.2016 (Annexure P-2) passed by the respondentswhereby the petitioners were directed to deposit the deficiency in stamp duty amounting to ₹8,46,000/- in the Government Treasury.

The sole argument of learned counsel for the petitioner is that neither any fair opportunity was given to the petitioners nor their representative was heard by the Tehsildar, who had allegedly inspected the spot as reflected in the order dated 17.4.2014 (Annexure P-1) passed by

VIJAY ASIJA
2018.08.14 12:38
I attest to the accuracy and
integrity of this document

Sub Divisional Officer (Civil) exercising the powers of Collector, Hisar. Even there is no reference in the order that whether the petitioners or their representative were heard. Even in the reply there is no mention that whether the Tehsildar had visited the spot and if visited whether the petitioners were joined by him during spot inspection.

As there is no evidence with regard to visit of the Revenue Officer i.e. Tehsildar or his report on record, the Court feels that the petitioner had not been affoded fair opportunity of being heard. Under these circumstance, the order dated 17.4.2014 (Annexure P-1) passed by Sub Divisional Officer (Civil) with powers of Collector, Hisar and order dated 08.11.2016 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar are hereby set aside.

The parties are relegated to approach respondent No.2 on 24.9.2018, who will notify a fresh date to the parties and appoint a responsible officer of the Revenue Department having a precise record of the matter in question.

Disposed of in the above terms.

August 06, 2018 **(JITENDRA CHAUHAN)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No

VIJAY ASIJA
2018.08.14 12:38
I attest to the accuracy and
integrity of this document