

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.12618 of 2018 (O&M)

Date of decision: May 18, 2018

Smt. Santosh Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.C. Malik, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has prayed for a writ in the nature of certiorari for quashing order dated 16.10.2017 (Annexure P-5), passed by Collector, Sub Division, Safidon as well as order dated 20.02.2018 (Annexure P-8), passed by Commissioner, Hisar Division, Hisar, whereby petitioner has been ordered to pay Rs.24,750/- (Rs.20,750/- as stamp duty and Rs.4000/- as registration fee), under Section 47-A of the Indian Stamp Act and interest thereon.

Learned counsel for the petitioner submits that the transfer in favour of petitioner was genuine and legal. There is nothing on record to suggest that sale deed was not executed as per Collector rate and there is any deficient stamp duty. He further submits that under the provisions of Section 47-A (3) of the Indian Stamp Act, the Collector had no power to issue such notice or to effect recovery. Thus, orders passed by the authorities below deserve to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Brief factual matrix of the case is that one Suresh Kumar son of Ganpat Rai being owner of the property in question, transferred the same to the

petitioner, vide registered sale deed 24.12.2013. Later, the basis of a complaint received in CM Window, the Collector observed that the property in question was commercial and thus, he applied valuation of the same @ Rs.25,000/- per sq. yard by initiating proceedings under section 47-A of the Indian Stamp Act against the petitioner. Vide order dated 16.10.2017, the Collector, Sub Division, Safidon ordered recovery of Rs.24,750/- from the petitioner. Petitioner preferred appeal before Commissioner, Hisar Division, Hisar, but the same was also dismissed vide order dated 20.02.2018.

I find no infirmity with the orders passed. It has been urged before the court that action is barred due to limitation. There is no merit in this plea as the authority acted promptly after it detected that deficit court fee had been paid. It is evident that the property in question is commercial property as there is 20 feet wide road on eastern side of the property in question. Likewise there is a shop towards its west, another commercial property towards North and a shop towards South of the said property. Thus, I find no scope for interference in writ jurisdiction. The petition is without any merit and same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 18, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No