IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.19197 of 2018
Date of Decision:03.08.2018

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Mohinder Singh

. . . . . Petitioner

Vs.

Commissioner, Rohtak Division, Rohtak and another

. . . . . Respondents

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CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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Present: - Mr.Surinder Gandhi, Advocate,
for the petitioner.

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RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 31.8.2016 passed by the Collector, Sonepat and order dated 12.4.2018 passed by the Commissioner, Rohtak Division, Rohtak, by which he has been asked to pay the deficient stamp duty and registration charges.

In brief, the petitioner entered into an agreement to sell on 19.9.2002 of the land measuring 10 kanal 19 marla situated within the Revenue Estate of Village Kheir Manajat and Safiabad with Chandan Singh resident of Village Kheri Mannajat, Tehsil and District Sonepat. The sale deed was to be executed upto 19.12.2002 which was later on extended mutually upto 5.5.2003. Since the vendor refused to execute the sale deed, therefore, the petitioner filed Civil Suit No.164 of 2004 titled as Mahender Singh vs. Chandan Singh for specific performance of the agreement to sell, which was decreed in his favour on 14.6.2011. An employee of the Civil Court was appointed as Local Commissioner for execution of the sale deed which was executed and registered vide Vasika No.2968 on 18.1.2016. The total sale consideration of 10 kanal 19 marla was ₹4,25,000/- on which the petitioner made the payment of stamp duty of ₹21,600/-. The Sub Registrar sent the reference to the Collector alleging that the petitioner has paid less stamp duty and registration charges, calculated on the basis of the agreement instead of prevailing collector rate of the area, when the sale deed was registered. The petitioner was given the opportunity by the Collector to file his reply to the notice and relying upon the letter No.4397 dated 3.5.2010 issued by the Financial Commissioner and Principal Secretary Revenue Department, Haryana on the basis of an order passed by the Supreme Court in Civil Appeal No. 2226 of 2010 (a) SLP No.26684 of 2008 arising out of CWP No.12094 of 2007 (State of Haryana and others Vs. Manoj Kumar) charged the stamp duty on the basis of the prevailing collector rate instead of the price mentioned in the agreement between the parties. The order passed by the Collector was upheld by the Commissioner.

Learned counsel for the petitioner has though challenged both the impugned orders but has failed to raise any meaningful argument against the impugned order passed in view of the decision of the Supreme Court rendered in the case of ***Manoj Kumar (Supra)*** as no judgment to the contrary is cited during the course of hearing.

Thus in view thereof, there is hardly any scope for interference in this case.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

03.08.2018
Vivek

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