

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CWP-8645-2019 (O&M)**  
**Date of Decision: 11.07.2019**

Naresh Aggarwal & another

--Petitioners

Versus

Chandigarh Administration & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Sameer Sachdeva, Advocate for the petitioners.

Ms. Bahar Ghuman, Advocate, Mr. Prateek Mahajan,  
Advocate with Mr. L.S. Virk, Addl. Govt. Pleader,  
U.T., Chandigarh for the respondents.

\*\*\*

**TEJINDER SINGH DHINDSA.J (Oral)**

Petitioners filed the instant petition seeking a Mandamus for directing the respondent authorities under the Chandigarh Administration to release the original sale deed bearing number 2053 dated 8.8.2007 in respect of 30% share in S.C.O No.17, Sector 7-C, Chandigarh subject to furnishing adequate surety/guarantee.

The instant petition had come up for preliminary hearing before this Court on 1.4.2019 and the following order was passed:-

*“The petitioners had earlier filed CWP-22475-2010 assailing the order of the Sub Divisional Magistrate (HQ), Chandigarh exercising the powers of Collector (under the Indian Stamp Act, 1899) dated 29.7.2008 as also the order passed by the Commissioner (Revenue), U.T., Chandigarh dismissing the statutory appeal of the petitioner vide order dated 9.8.2010, whereby a deficiency of stamp duty amounting to Rs.8,52,000/- approximately was sought to be recovered pursuant to the petitioners having purchased 30% share of Show Room No.17, Sector 7-C, Chandigarh. Writ petition was decided on 18.11.2016 (Annexure P-5) and whereby the impugned orders were set aside and the matter was remanded*

*back to the Collector to decide the issue afresh after affording an opportunity of hearing to the petitioners.*

*Court has been apprised that the matter is still pending before the Collector.*

*The categoric contention raised by learned counsel representing the petitioners is that the petitioners have regularly appeared before the Collector as and when called upon to do so and that proceedings at no point of time were deferred on their request.*

*Notice of motion, returnable for 10.4.2019.*

*Liberty is granted to serve the respondents through Mr. Pankaj Jain, Advocate/Senior Standing Counsel, U.T., Chandigarh.”*

On a subsequent date of hearing i.e. on 2.7.2019 Mr. L.S. Virk, Addl. Govt. Pleader had entered appearance on behalf of the respondents. Hearing was deferred to 11.7.2019 i.e. today. Mr. Virk was called upon to furnish a plausible explanation as to why respondent no.3 has not passed any final order on the appeal that had been preferred by the petitioners in pursuance to the remand order passed by this Court.

The matter having been taken up today, Court has been apprised that the appeal had been taken up by respondent no.3 on 2.11.2017 and in such proceedings Sh. Parmod Aggarwal vendee/petitioner no.2 herein was present in person and proceedings stood adjourned to 23.11.2017. Thereafter, on four subsequent dates i.e. 23.11.2017, 25.1.2018, 22.1.2018 and 15.3.2018 the vendee/petitioner no.2 herein had not come present. To substantiate such stand Mr. Virk has made available for perusal of this Court the original proceedings in the matter that had taken place before the Collector, U.T., Chandigarh.

This Court is satisfied that a palpably false statement had been

made before this Court at the state of issuance of notice of motion on

1.4.2019 and which had been duly recorded in the order itself and to the effect that the petitioners have regularly appeared before the Collector as and when called upon to do so and that the proceedings at no point of time were deferred on their request.

A clear attempt, as such, has been made to overreach as also to hoodwink this Court.

Petitioners by their conduct are disentitled from any relief.

The instant order was being dictated in Open Court.

At this stage, Mr. Sameer Sachdeva, Advocate representing the petitioners makes a prayer for withdrawal of the writ petition.

Such a request can only be termed as “unfortunate”. This Court would say no more.

The writ petition is dismissed.

Cost of Rs.1 lakh is imposed upon the petitioners and to be deposited with the Poor Patients Welfare Fund, P.G.I.M.E.R., Chandigarh within a period of 15 days from today.

Matter be listed on 19.8.2019 only for purposes of placing on record a compliance report.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**11.07.2019**

lucky

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