

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-12277-2020 (O&M)
Date of Decision : 20.08.2020**

Ashraf Khan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Mohammad Arshad, Advocate
for the petitioner.

RAMENDRA JAIN, J. (Oral)

Case has been taken up for hearing through video conferencing due to the outbreak of Pandemic COVID-19.

Through this petition under Articles 226/227 of the Constitution of India, prayer has been made for issuance of directions to respondent Nos.1 to 3 to take remedial action by ordering the probe into the application dated 22.06.2020 (Annexure P-5), moved by petitioner for the purpose of effecting the recovery of stamp duty of Rs.21,90,600/- from respondent Nos.4 to 12.

Learned counsel, drawing attention of this Court towards Jamabandi (Annexure P-1) and self prepared site plan (Annexure P-2), urged that the land which is subject matter of registered sale deed No.154 dated 16.06.2020 (Annexure P-4), registered with Sub-Registrar, Nagina, is a commercial land. Thus, the payment of stamp duty worth Rs.21,90,000/- has illegally been evaded by the vendor and vendee in connivance with each other, showing the said land to

be a “non-commercial character”, in as much as, market value of the land is around Rs.8,05,25,500/-, but its value has been shown in the aforesaid registered sale deed as Rs.75,00,000/- i.e. Rs.37,50,000/- per acre.

Having given thoughtful consideration to the submissions, made by learned counsel for petitioner, this Court finds that instant petition is a mala-fide device to blackmail the vendor and vendee, inasmuch as the petitioner has no locus standi to file such a frivolous petition. The evasion of stamp duty, if any, has to be looked into by the Sub-Registrar concerned or the Collector with whom, the petitioner has already made a representation (Annexure P-5), raising similar grouse/complaint on 22.06.2020.

The eagerness of the petitioner in blackmailing the vendor and vendee of the sale deed is evidence from the fact that aforesaid sale deed was registered on 16.06.2020. Within six days thereafter, the petitioner moved a complaint (Annexure P-5) before the Collector, District Nuh. Without waiting for the response of Collector, District Nuh, within two months, which is a prescribed minimum period even under Section 80 C.P.C. (only for reference), the petitioner approached this Court by way of instant petition on 29.07.2020, claiming himself to be prospective vendee of the land in question.

Revenue record i.e. copy of Jamabandi shows the nature of land as Dahari or Nirmot i.e. agriculture character. Thus, it does not lie in the mouth of petitioner that the demised land, losing its agriculture character, has become commercial, inasmuch as, had it

been so, the revenue authorities must have made some entry in column No.12 of aforesaid jamabandi to this effect. Site plan (Annexure P-2) is self prepared document of the petitioner. Photographs also do not prove that the same pertain to the land which is subject matter of sale deed (Annexure P-4). Even otherwise, if some illegal construction has been raised by land owners, which is depicted in photographs annexed with the petition, it is for the Town and Country Planning Department to check the same and take necessary action.

From this angle, if we visualize the conduct of petitioner, moving this petition and representation (Annexure P-5) as prospective vendor and vendee of the sale deed, the only irresistible conclusion which can be drawn is that the petitioner under the garb of this petition, is out and out to blackmail the vendor, vendee as well as the official machinery.

In view of discussion, made above, this petition is dismissed. However, liberty is granted to the vendor, vendee and the authorities to get registered FIR against the petitioner, in case, they wish to do so for defaming them.

(RAMENDRA JAIN)
JUDGE

20.08.2020
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No