

LPA No. 555 of 2020

Date of Decision: 14th September, 2020

Ashraf Khan

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM : JUSTICE S. MURLIDHAR
JUSTICE AVNEESH JHINGAN**

Present : Mohammad Arshad, Advocate for the Appellant.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.:

1. This is an appeal against an order dated 20th August, 2020 passed by a Single Judge of this Court by which the writ petition (CWP-12277-2020) has been dismissed.

2. The prayer in the writ petition was for issuance of directions to Respondent Nos. 1 to 3 to take remedial action by ordering a probe into the application dated 22nd June, 2020 moved by the Appellant/Petitioner for effecting the recovery of stamp duty of Rs. 21,90,600/- from Respondent Nos. 4 to 12.

3. According to the Appellant, the sale of a commercial property has been permitted to be effected and registered with the Sub-Registrar, Nagina by showing the land to be of agricultural nature.

4. As noted by the learned Single Judge in the impugned order, apart from the Appellant failing to disclose what his real interest in the matter was, the copy of the *Jamabandi* produced before the learned Single Judge, in fact, showed the land to be an agricultural character.

5. As rightly observed by the learned Single Judge, even then if there is some illegal construction raised thereon, it is for the Town and Country Planning Department to take appropriate action in accordance with law.

6. Further, the Court notes that even according to the Appellant his representation is still pending with the authorities concerned. It is clarified that it will be open to the Respondents to take appropriate action in accordance with law if the circumstances so warrant.

7. The direction issued by the learned Single Judge in the last paragraph of the impugned order that an FIR be registered against the Appellant is hereby set aside.

8. The appeal is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

14th September, 2020
Anjal

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No