

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

**CWP No. 12960 OF 2015 (O&M)
DATE OF DECISION : 18.03.2021**

Deepak Bansal

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr. M. K. Joshi, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.
(Presence marked through video conferencing).

ARUN KUMAR MONGA, J. (ORAL)

Vide an order dated 05.10.2012 (Annexure P-6), impugned herein, respondent No.3/District Collector has directed the petitioner to deposit the deficient stamp duty along with deficient registration charges amounting to Rs.3,58,472/- qua a sale deed to convey land measuring 1 Kanal 4.83 marlas in the name of petitioner.

2. Learned counsel for the petitioner strenuously argues pointing out certain alleged procedural irregularities. He submits that no notice was issued by the Sub Registrar to the vendee before sending the matter to the Collector. Even otherwise, Sub Registrar could not have referred the matter to Collector, after a lapse of more than two years and four months of registration of document, contends the counsel.

3. Learned counsel for the petitioner further argues that neither the Collector nor appellate authority/Commissioner has given any cogent and valid reason while passing the impugned recovery order and appellate order dated 05.10.2012 and 19.02.2014 respectively. Being non-speaking, both the said orders are liable to set

4. Having heard rival contentions of learned counsel for the parties, I am of the opinion petition merits dismissal.

5. To be also noted, that petitioner has neither offered any plausible justification in the writ petition, nor even otherwise anything is forthcoming from the record to reflect as to why the petitioner consciously abandoned not to appear before the learned Collector during the proceedings which eventually resulted in the appellate order impugned herein.

6. A perusal of the record would reveal that the petitioner was well aware of the proceedings pending against him before the learned Collector. He had caused appearance before the Collector through counsel, files his reply but later on chose not to appear. Even after passing of final order by Collector, which was communicated to him, he neither moved any application before the Collector giving reasons of his non appearance, nor otherwise sought recalling of ex parte proceedings against him.

7. Even otherwise, the petition lacks merit and does not deserve any indulgence of this court. Apparently, the petitioner while showing the *gair mumkin* land as agricultural one get the sale deed registered below the collector rates by undervaluing the cost of the land. The mischief was noticed by the Audit team during the course of inspection. They red flagged the said under valuation and foiled the petitioner's modus operandi to evade stamp duty and cause loss to the State exchequer.

8. In the premise, I do not deem it appropriate to advert to the insipid arguments of learned counsel for petitioner. No grounds to interfere in the extraordinary writ jurisdiction of this Court are made out.

9. Dismissed.

10. Since reference was sent *suo motu* by the Sub Registrar to the Collector, after a lapse of more than two years and four months , I am of the view that the delay thereof cannot be attributed to the petitioner. To that extent, the impugned order dated 05.10.2012 is modified qua interest component. It is directed that the petitioner shall not be liable to pay interest with effect from the date when documents was registered i.e 27.11.2008 till 21.03.2011, when the Sub Registrar referred it to the Collector.

11. The writ petition stands disposed of in above terms.

MARCH 18, 2021
Shalini/ Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No