

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP-35713-2023

Date of Decision: 05.09.2023

LEELAWATI

...Petitioner

V/S

DIVISIONAL COMMISSIONER, ROHTAK DIVISION
ROHTAK AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashwani Gaur, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG Haryana.

GURVINDER SINGH GILL J. (Oral)

1. The short issue involved in the present petition pertains to limitation during which proceedings under Section 47-A of the Indian Stamp Act can be initiated.

2. Learned counsel for the petitioner submits that in terms of Section 47-A of the said Act, it is only during 3 years from the execution of sale deed, that such proceedings could be initiated, but in the present case while the sale deed was executed on 12.12.2013, the proceedings under Section 47-A of the Act were initiated on 22.11.2017. Learned counsel in this regard places reliance upon a judgment of Division Bench rendered in CWP-204-2007 titled 'Smt. Chand Kaur & others Vs. State of Haryana & others' on 18.02.2008 as well as judgments of Single Bench in Vishal Rekhan & others Vs. State of Haryana & others, 2015 (3) RCR (Civil) 502; Sharmila Rani & others Vs. State of Punjab & others, 2016 (3) RCR (Civil) 166 and Eshbeen Kaur Vs. State of Punjab & others, 2016 (4) RCR (Civil) 673.

3. The learned State counsel could not dispute the aforesaid legal proposition spelt forth in above referred judgments that proceedings under

Section 47-A of the Stamp Act cannot be initiated beyond a period of 3 years of registration of the document in question.

4. In view of the aforestated position particularly the fact that the proceedings had been initiated beyond the prescribed period of 3 years, the instant petition is accepted and the entire proceedings arising out of reference under Section 47-A of the Act are set aside.

05.09.2023
Ajay Goswami

(GURVINDER SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>