

CWP-19613-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19613-2018
Date of decision:-10.01.2024

Turbo Tools Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Ms.Preeti Grover, Advocate for
Mr.Saurav Verma, Advocate
for the petitioner.

Mr.Ajit Singh Natt, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. By way of present writ petition filed under Articles 226/227 of the Constitution of India, petitioner has approached this Court for quashing of impugned order dated 03.12.2014, Annexure P3 passed by respondent No.3 and appellate order dated 29.11.2017, Annexure P4 passed by respondent No.2.

2. Counsel for the petitioner submits that the petitioner had purchased a plot measuring 2500 square yards situated in Phase VI, Focal Point, Dhandari Kalan, Ludhiana from M/s J.C. Pardeep Sharma, who was its original allottee for a total consideration of Rs.50 lakhs vide

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sale deed dated 29.06.2007 and had affixed the stamp duty of Rs.6,75,000/- at the prevailing Collector rate of Rs.3,000/- per square yard. She submits that the Sub-Registrar, Ludhiana however impounded the sale deed claiming that a deficient stamp duty had been affixed and referred the matter to the Collector, Ludhiana, who without making any inquiry passed order dated 27.09.2007 holding that the collector rate in the area was Rs.8,000/- per square yard. She submits that the petitioner failed in the appeal and approached this Court by filing a writ petition, which was allowed by order dated 14.01.2014, Annexure P3 and the matter was remitted to the authorities to pass a fresh order. Counsel submits that by virtue of impugned orders, Annexures P4 and P5, the authorities without noticing the collector rate of the land has reiterated the decision taken earlier. She has relied upon communication, Annexure P2, to submit that the value of the land in the Focal Point was Rs.3,000/- square yards, which has not been considered by the authorities. Still further, by referring to Collector rate for the year 2018-19, Annexure P7, she submits that even for the subsequent years, the Collector rate has been fixed at Rs. 5,130/- per square yard.

3. Petition has been contested by the respondents and a detailed reply has been filed. On the basis of the stand taken in the reply, State counsel has argued that the communication, Annexure P2, does not pertain to the purchased land and the subsequent notification issued by the Government has no relevance.

4. Be that as it may, it could not be denied that despite the fact that the petitioner had relied upon communication, Annexure P2, it has neither been noticed nor discussed by both the authorities while passing

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the impugned orders. It cannot be lost sight of that even for the subsequent years, the Collector rate has not been found to be more than Rs.5,130/- per square yard.

5. In view of the above, this Court is of the opinion that the impugned orders, Annexures P3 and P4 cannot be sustained and are accordingly set aside. Matter is remitted to the Collector, Ludhiana to decide it afresh. Liberty is granted to the parties to produce all the documents on which they intend to place reliance, which shall be discussed by the authorities before passing the order.

6. Parties are directed to appear before Collector, Ludhiana, on 16.02.2024.

(SUVIR SEHGAL)
JUDGE

10.01.2024
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No