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

**CM-5099-LPA-2025 in/and
LPA No.523 of 2019 (O&M)
Date of Decision : 18-02-2026**

BHUDEV KUMAR

.....Appellant

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Ruchi Jain, Advocate for the applicant-appellant.

Mr. Sandeep Chhabra, Addl . A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-1228-LPA-2019

Present application has been filed seeking condonation of delay
of 84 days in re-filing the appeal.

Keeping in view the contents mentioned in the application, the
same is allowed.

Delay of 84 days in re-filing the appeal is condoned.

CM-5099-LPA-2025

Present application has been filed by the applicant-appellant for
placing on record brief note of facts/legal synopsis.

Keeping in view the contents mentioned in the application, the
same is allowed.

Brief note of facts/legal synopsis is taken on record subject to all just exceptions.

LPA No.523 of 2019 (O&M)

1. In the present appeal, challenge is to the impugned order dated 25.09.2018 (Annexure P-1) passed by the learned Single Judge in CWP No.24523 of 2018 by which, the order dated 26.10.2015 passed by the Collector, Gurugram and order dated 26.07.2018 passed by the Commissioner, Gurugram directing appellant to pay the deficient stamp duty and registration charges are upheld by treating the land purchased by him vide Vasika No.32 dated 03.04.2013 on the basis of that the same is to be treated as residential area and not agricultural land, which was made the basis for affixing the stamp duty as per Section 47-A(3) of the Indian Stamp Act, 1899.

2. Learned Senior Counsel appearing on behalf of the appellant submits that it is a conceded fact that on the date when the land was purchased by the appellant, the same was in nature of agricultural land, and the claim raised by authorities concerned that appellant is liable to pay charges as per the enhanced stamp duty has been done on the ground that after a period of nine days from the purchase of land in question, the nature of the land got changed from agricultural to residential as the same was being sold as residential plots.

3. Learned Senior Counsel for the appellant submits that any subsequent event will not render the sale deed already executed as invalid, as the nature of the land is to be seen at the time of execution of the document, and any subsequent development will not change the nature of the land

retrospectively so as to claim higher stamp duty. This fact has been ignored not only by the authorities concerned while directing the appellant to pay enhanced stamp duty, but also by the learned Single Judge while passing the impugned order dated 25.09.2018.

4. Learned Senior Counsel for the appellant relies upon the judgment of the Hon'ble Supreme Court of India in ***State of U.P and others Vs. Ambrish Tandon and another, 2012(1) R.C.R (Civil) 865***, to substantiate the said argument.

5. Learned counsel for the respondent-State, though conceding the fact that on the day when the registry of the land was executed by the appellant, the land in question was in nature of agricultural land but submits that as the appellant sought to change the nature of the land to residential within a period of nine days of purchase, the same is liable to be assessed as residential land for the purpose of affixing stamp duty, which is perfectly valid.

6. Learned counsel for the respondent-State further submits that after the purchase of the land by the appellant, the same was bifurcated into smaller portions, which clearly shows that intention was to sell the same for residential purposes which is clear from the fact that nine sale deeds qua such land have been registered, which is impermissible.

7. Learned counsel for the respondent-State further submits that even if the land was agricultural in nature on the day when the registration qua the same was executed, the land could not have been subsequently sold in small portions so as to treat the same as residential land, for which action

at the hands of the appellant, the respondent-State be given jurisdiction to take appropriate action.

8. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

9. It should be noted that for the purpose of levying stamp duty and registration charges, the nature of the land is to be seen on the day when the registry was executed. It is a conceded fact between the parties that on said day, the land in question was agricultural in nature, and the stamp duty has already been paid keeping in view the nature of the land. Even in the sale deed executed between the parties, the nature of the land has been mentioned as “Chahi”, which means agricultural land.

10. That being so, enhancing the stamp duty at the later stage by treating the subsequent event of appellant selling the land by way of bifurcating the same in smaller portions qua which nine separate sale deeds have been executed so as to create a residential colony, is incorrect. The subsequent fact can only lead to taking of action in respect of acts subsequent to the registry, but such subsequent acts will not change the nature of the land retrospectively so as to claim higher stamp duty when the nature of the land was described as agricultural at the time of sale deed, which fact has gone unrebutted at the hands of the respondent-State.

11. Keeping in view the totality of the circumstances, the claiming enhanced stamp duty from appellant by treating the land of the appellant as residential cannot be sustained and the impugned order dated 25.09.2018 passed by the learned Single Judge is accordingly set aside.

12. The present appeal is allowed in the above terms.

13. At this stage, learned counsel for the respondent-State submits that the agricultural land could not have been sold subsequently by the appellant by bifurcating the same in smaller portions treating the same as residential and the same was contrary to the provisions of law.

14. In case, the appellant has violated any provision of law, the respondent-State shall be within its jurisdiction to take appropriate action as envisaged under law.

15. Pending miscellaneous applications, if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18-02-2026
Sapna Goyal

(VIKAS SURI)
JUDGE

NOTE: Whether speaking/reasoned : YES
Whether reportable : NO