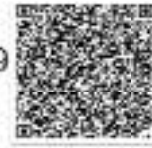


2026 PHHC 058439



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

**CWP-35074-2024 (O&M)
Date of Decision: 11.03.2026**

Harpal Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSII BUNGER

Present: Mr. Abhiraj Singh Baweja, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Senior DAC, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking an appropriate direction to the official respondents to locate the office copy of the Sale Deed and to sanction the mutation in favour of the petitioners.

2. Briefly, the petitioners claim to have purchased an area measuring 500 square yards situated in Village Nichi Mangli from M/s Premier Complexes Company Ltd. vide Sale Deed dated 13.11.2006. It is averred that the said Sale Deed was impounded by the Tehsildar, Ludhiana (East) and subsequently referred to the learned Additional Deputy Commissioner, Ludhiana, for determination of the appropriate stamp duty payable thereon.

2.1 It appears that the petitioners challenged the aforesaid impounding of the Sale Deed by filing an appeal before the learned Divisional Commissioner, Patiala; however, the same was dismissed vide order dated 19.05.2009.

2.2 Thereafter, the petitioners filed a writ petition bearing CWP No. 9704 of 2010 before this Court, which came to be allowed vide order dated 01.09.2015 (Annexure P-1), whereby the Collector's order and the order passed by the learned Divisional Commissioner, directing the petitioners to pay stamp duty at the rate of Rs.1,800/- per square yard, were set aside, and the petitioners were directed to pay stamp duty at the rate of Rs.1,200/- per square yard. Relevant extract of the order (Annexure P-1) reads as under:-

“ I have heard learned counsel for petitioner and perused the paper book.

While passing the impugned order, learned Collector had merely relied on the report of Halqa Patwari and indicated nothing as to on what basis, the Halqa Patwari arrived at figures i.e. Rs.1600/- to 1800/-, to be the price of the land. The respondents have admitted the collector rate @ Rs.1200/- per square yard in the area concerned. In the absence of any other evidence, price of land in the area concerned, could not be assessed more than the collector rate.

Accordingly the petition is allowed. The orders of the Collector, as also that of the Commissioner, Patiala Division assessing the price of the land @ Rs.1800/- per square yard, are quashed.

The petitioners are directed to pay the stamp duty as per the Collector rate of Rs.1200/- per square yard. The excess amount that becomes payable on that basis together with interest @ 9% per annum from the date the same fell due till payment, be paid by the petitioner within three months from

the date of receipt of certified copy of this order.

Disposed of accordingly.”

2.3 It appears that after deposit of the due amount by the petitioners in compliance of the aforesaid order (Annexure P-1), and since the original Sale Deed was to be returned to the petitioners, the office of the Joint Sub-Registrar, Sahnewal, vide letter dated 08.01.2018 (Annexure P-2), called for the office copy of the said Sale Deed from the Sub-Registrar, Ludhiana (East), where the document had been registered, so that a necessary entry regarding its release could be made on the original Sale Deed.

2.4 It is averred that the petitioners submitted various representations seeking release of the original Sale Deed and sanction of mutation in their favour; however, no action was taken on their requests. It is further stated that even the legal notice dated 30.07.2019 failed to invoke any response from the respondent authorities. Consequently, the petitioners sought information under the Right to Information Act, however, upon receiving no response, they were constrained to file an appeal under the Right to Information Act.

2.5 It transpires that during the pendency of the said appeal before the State Information Commissioner, the petitioners were summoned by the Joint Sub-Registrar, Sahnewal, on 17.04.2021 and were handed over the original Sale Deed dated 13.11.2006. Thereafter, the Joint Sub-Registrar, Sahnewal, filed a reply before the State Information Commissioner in the said proceedings, stating therein that the concerned Kanungo/Halqa Patwari had been instructed to sanction the mutation on the basis of the said Sale Deed.

2.6 According to the petitioners, they had applied for a certified

copy of the office copy of Sale Deed at the Sewa Kendra, D.C. Office, Ludhiana, vide application dated 09.02.2023; however, the same was returned with the remark that the record of the Sale Deed is not available.

2.7 It is further stated that on account of the non-sanctioning of mutation in their favour on the basis of the aforesaid Sale Deed, serious prejudice has been caused to the petitioners.

3. In the aforementioned circumstances, petitioners have filed the present writ petition seeking relief(s) as noticed hereinabove.

4. In the present case, reply dated 20.06.2025 has been filed on behalf of respondents No.1 to 4, wherein, in paragraph No. 5, it has been stated that on the date of execution and registration of the Sale Deed dated 13.11.2006 in favour of the petitioners, M/s Premier Complexes Company Ltd. was not the owner of the property measuring 500 square yards purportedly sold/transferred to the petitioners under the said Sale Deed. It has been further mentioned that since the vendor of the petitioners owned a lesser area than the 500 square yards sold to them, accordingly, the mutation could not be entered on the basis of the said Sale Deed.

4.1 The reply dated 20.06.2025 also asserts that the matter involves fraud and cheating committed by M/s Premier Complexes Company Ltd. upon the petitioners, and that the grievance of the petitioners (if any) lies against their vendor – M/s Premier Complexes Company Ltd., and not against the respondent authorities. The reply further defines the extent of land purchased by M/s Premier Complexes Company Ltd., along with details of subsequent sales executed by the said company.

5. The averments made in the reply filed by respondents No.1 to 4 have been disputed by learned counsel for the petitioners.

6. Be that as it may, from a perusal of the reply dated 20.06.2025, filed on behalf of respondents No.1 to 4; it emerges that the vendor of the petitioners, i.e. M/s Premier Complexes Company Ltd., had sold 500 square yards of land to them vide Sale Deed dated 13.11.2006, which is stated to be in excess of its ownership/share as on the date of execution of the said Sale Deed in favour of the petitioners. On the other hand, learned counsel for the petitioners maintains that M/s Premier Complexes Company Ltd. had sufficient land in their name in Village Nichi Mangli on the date of execution of Sale Deed in their favour.

7. Upon consideration of the matter, I am of the view that there are multiple disputed questions of fact involved in this case which would require leading of evidence; which is not possible in present proceedings. Accordingly, the present writ petition is dismissed; however, the petitioners, if so advised, may avail their appropriate remedies before the competent Civil Court in accordance with law.

8. All the pending application(s), if any, shall also stand closed.

11.03.2026*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No