

Baljit Singh Vs. State of Punjab and Others

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Court : Punjab and Haryana

Decided On : Jul-18-2014

Appellant : Baljit Singh

Respondent : State of Punjab and Others

Judgement :

-1- CWP No.22183 of 2012 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CWP No.22183 of 2012 Date of decision: 18.07.2014 Baljit SinghPetitioner Versus State of Punjab and othersRespondents CORAM: HON'BLE Mr.JUSTICE PARAMJEET SINGH1 Whether Reporters of the local papers may be allowed to see the judgment ?.

2) To be referred to the Reporters or not ?.

3) Whether the judgment should be reported in the Digest ?.

Present: - Mr.Sarju Puri, Advocate, for the petitioner.

Mr.Suresh Singla, Addl.

A.G., Punjab, and Ms.Harsimrat Rai, DAG, Punjab.

***** PARAMJEET SINGH, J.

(ORAL) CM No.5862 of 2014 Allowed subject to all just exceptions.

Replication is taken on record.

CWP No.22183 of 2012 Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 25.05.2010 (Annexure P-3) passed by Collector, SBS Nagar, for recovery of deficient stamp duty and registration fee under Section 47-A of the Indian Stamp Act.

Only contention of the learned counsel for the petitioner is that Singh Ravinder
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Chandigarh -2- CWP No.22183 of 2012 the impugned order has been passed at his back merely on the basis of some audit objection without serving any show cause notice.

Perusal of the reply filed by State reveals that a demand notice for recovery of deficient stamp and registration fee was issued to petitioner but no document has been annexed to show that munadi was effected or any notice was issued to the petitioner.

Mere averments cannot be taken into consideration specifically when State acts through relevant correspondence and summons are issued for that purpose.

Be that as it may, fact remains that petitioner has not been heard nor any notice was issued before effecting recovery of deficient stamp and registration fee.

Petitioner has a right to be heard in this regard.

It is settled principle of law that no one can be condemned unheard.

In view of this, impugned order is set aside.

Parties are directed to appear before the Collector on 31.07.2014.

Since now the petitioner is aware, he shall be deemed to have been served.

Petitioner shall be afforded opportunity to file reply and contest the case.

The case shall be decided within three months.

Disposed of.

(Paramjeet Singh) July 18, 2014 Judge R.S.Singh Ravinder 2014.07.24 17:09 I
attest to the accuracy and integrity of this document Chandigarh

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