



CWP-16054-2025 (O&M)

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

**CWP-16054-2025 (O&M)
Date of Decision: 08.08.2025**

Rekha Devi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)**CM-11208-CWP-2025**

For the reasons mentioned in the application, the same is allowed and a copy of the grounds of appeal dated 29.01.2023 filed by the applicant/petitioner before respondent No.2/Commissioner, Jalandhar Division is taken on record as Annexure P-6, subject to all just exceptions.

Main case:

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ in the nature of *certiorari* for quashing the impugned order dated 15.11.2022 (Annexure P-4) passed by the Additional Deputy Commissioner-cum-Collector, Pathankot whereby an amount of ₹1,62,450/- has been ordered to be recovered from the petitioner towards deficiency of stamp duty and also to quash the order dated 11.12.2024 (Annexure P-5) passed by Appellate Authority/Commissioner, Jalandhar Division whereby the appeal filed by the petitioner impugning the

aforesaid order dated 15.11.2022 (Annexure P-4) has been dismissed.

2. Learned counsel for the petitioner submitted that in the present case when the petitioner filed an appeal before the Appellate Authority, who was the Commissioner, Jalandhar Division after noting down the contentions and perusing the orders which have been passed by learned Collector, has dismissed the appeal without even assigning any reason and without considering the contentions raised by the petitioner. He also referred to the grounds of appeal filed by the petitioners vide Annexure P-6 which would show that various issues have been raised including the issue of limitation, opportunity of hearing and the nature of land among others but none of the grounds or contentions have been considered by way of the impugned order passed by the Appellate Authority and therefore, the order is cryptic and unreasoned and is liable to be set aside.

3. Ms. Neha Sonawane, learned DAG, Punjab has submitted that so far as the aforesaid factual position that no reasons have been assigned is concerned, she is not disputing the same.

4. After hearing the learned counsel for the parties and perusing the impugned orders passed by the Commissioner, Jalandhar Division, this Court is of the considered view that the impugned order passed by the Appellate Authority is liable to be set aside being absolutely unreasoned and cryptic order wherein strangely not even a single reason has been assigned by the Appellate Authority but it was only a reference to the order passed by the Collector.

5. In view of the above, the present petition is allowed. The impugned order dated 11.12.2024 (Annexure P-5) passed by the Appellate Authority is hereby set aside. The matter is remanded back to the Appellate

Authority to pass a fresh order which must be a speaking order and backed by reasons after giving due opportunity of hearing to the petitioner or his counsel and the same should be in conformity with law. The fresh order be passed within a period of three months from today.

08.08.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |