



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 478/2020

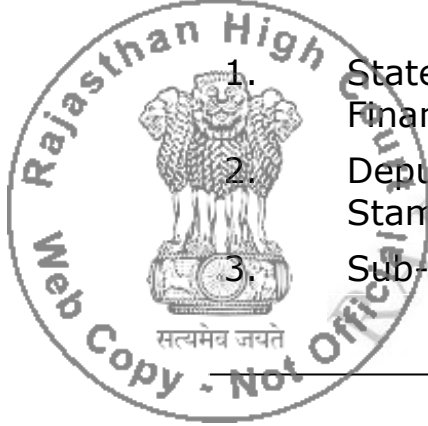
1. Hari Chand Girdhar S/o Sh. Bhagwan Das Girdhar, Aged About 62 Years, R/o 553, Police Line Area, Hisar, Haryana.
2. Purushottam Lal Soni S/o Sh. Sohan Lal Soni, Aged About 50 Years, R/o House No. 4/14, Wea, Saraswati Nagar, New Delhi- 110005 Through Its Authorized Signatory Suresh Kumar S/o Shri Chhailu Ram.

----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Secretariat, Finance Department, Jaipur.
2. Deputy Inspector General, Registration And Collector Stamps, Hanumangarh Vrit Camp, Sri Ganganagar.
3. Sub-Registrar, Sri Ganganagar.

----Respondents



For Petitioner(s) : Mr. Puneet Agrawal with
Mr. Dixit Panwar
For Respondent(s) : Mr. Sandeep Shah, AAG with
Ms. Akshiti Singhvi

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

07/04/2021

1. In wake of onslaught of COVID-19, abundant caution is being taken while hearing the matters in Court.

2. The petitioners have preferred this writ petition claiming the following reliefs:

"i) To issue any writ, order or direction more particularly in the nature of a writ to quash and set aside the impugned order dated 09.10.2019 (Annexure-19) passed by the Deputy Inspector General;

ii) To issue writ, order or direction more particularly in the nature of a writ of declaration to declare the inspection carried out by the Deputy Inspector General



on 06.02.2019 as illegal and contrary to law, and to quash the inspection report pursuant to the said Inspection (Annexure-13);

iii) To issue writ, order or direction more particularly in the nature of a writ of certiorari to declare the Notice under Section 54 issued by the Sub-Registrar as illegal and contrary to law (Annexure-14);

iv) To issue writ, order or direction more particularly in the nature of a writ of certiorari to declare the reference dated 17.05.2019 (Annexure-15) made by the Sub-Registrar as illegal and contrary to law;

v) To issue writ, order or direction more particularly in the nature of a writ of certiorari to declare the Notice under Rule 65(2) issued by the Deputy Inspector General as illegal and contrary to law;

vi) To issue any writ, order or direction more particularly in the nature of a writ of certiorari to quash the recovery notice No.784 dated 29.11.2019 (Annexure-20);

vii) To issue writ, order or direction more particularly in the nature of a writ of prohibition to prohibit the Respondents from taking any action pursuant to the impugned proceedings;

viii) To issue writ, order or direction more particularly in the nature of a writ of certiorari to quash the Recovery Notice dated 29.11.2019;

ix) To issue such other writ or order or direction as this Hon'ble Court may deem fit and proper in the interests of justice."

3. At the outset, learned counsel for the petitioners submits that the Company has not filed any reply in the present case, and the part determination, both against the Company as well as the individuals, would be against the basic spirit of justice, and would have an adverse impact upon the present petitioners as well as



the Company, and would further unnecessarily create complications of multiple forums deciding the same issue.

4. Mr. Sandeep Shah, learned Additional Advocate General fairly admits that in case this Court makes any adjudication in this case, it shall definitely have an impact upon the adjudication by the concerned authority, and therefore, in the interest of justice, complete autonomy may be given to the concerned authority to re-determine the matter in a comprehensive manner.

5. Though this Court has heard learned counsel for the parties at length, but it is a fair submission on the part of the petitioners that since the Company was not before the concerned authority, therefore, it would be in the interest of justice that re-adjudication be made by the concerned authority, strictly in accordance with law.

6. Thus, this Court, without entering into the merits of the case and without observing anything regarding the impugned orders, directs the concerned authority to take up the complete issues comprehensively, and after giving proper opportunity of hearing to the Company as well as the individuals, an appropriate order, strictly in accordance with law, be passed. It is however, made clear that while undertaking such an exercise, the concerned authority shall be required to adhere to the complete statutory process.

7. In view of the above, the present petition stands disposed of. The stay application as well as all pending applications also stand disposed of accordingly.

(DR. PUSHPENDRA SINGH BHATI),J.

1-SKant/-