



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 8367 of 2022
Decided on : 10.07.2025

Vijay Prakash and others.

...Petitioners

Versus

State of Himachal Pradesh and others.

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioners : Mr. G.R. Palsra, Advocate.

For the respondents : Mr. Anup Rattan, Advocate
General with Mr. Rajpal Thakur,
Additional Advocate General.

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioners have,
inter alia, prayed for the following reliefs:-

“(i) That the respondents particularly, respondent No.2
may kindly be directed to allow the petitioners to execute
and register the rectification deed of the sale deed dated
20.09.2018 by issuing a writ of mandamus.

(ii) That the clarification dated 04.02.2021 contained in
Annexure P-6, clarification dated 22.01.2021 contained in
Annexure P-7 and letter dated 15.10.2022 contained in

¹Whether reporters of the local papers may be allowed to see the judgment?



Annexure P-9, may kindly be quashed and set aside by issuing a writ of certiorari. ”

2. The case of the petitioners is that the property, reference whereof is given in paragraph No. 2 of the writ petition, was sold by petitioner No.1 to petitioner No.2, in terms of a sale deed dated 20.09.2018. According to the petitioners, though in the sale deed, the consideration amount has been referred to as Rs. 4,50,000/-, however, actually the sale consideration was Rs. 14,50,000/-. Accordingly, a prayer has been made in this writ petition that a mandamus be issued to the respondents to register a sale deed for an amount of Rs.14,50,000/-.

3. Learned Advocate General submits that the petitioners will have to bear the stamp duty and registration fee along-with 50% penalty and if the petitioners are willing to do so then needful will be done by the Authority.

4. Having heard the learned counsel for the petitioners as well as the learned Advocate General, it appears that though initially the sale consideration that was reflected in the sale deed was Rs.04,50,000/- only but apparently the actual sale



consideration was Rs.14,50,000/- and somehow the balance amount landed in the bank account of petitioner No.1, therefore, to save their skin, the petitioners have approached this Court.

5. Be that as it may, as learned counsel for the petitioners submitted that the petitioners are ready to deposit the stamp duty and registration fee along-with 50% penalty on the balance amount of Rs.10,00,000/-, this writ petition is disposed of with the direction that let the respondents rectify the sale deed dated 20.09.2018 to the effect that sale consideration be changed to Rs.14,50,000/- instead of 04,50,000/-, subject to the petitioners depositing the stamp duty and registration fee on the remaining amount of Rs.10,00,000/-, along-with 50% penalty on the stamp duty and registration amount. This is further subject to a payment of cost of Rs. 10,000/-, which shall be deposited by the petitioners to the Himachal Pradesh High Court Bar Association Welfare Fund. The deposition of the cost to the Himachal Pradesh High Court Bar Association Welfare Fund shall be a condition precedent, which must be deposited by the petitioners within a period of



two weeks from today. After depositing the cost with the Himachal Pradesh High Court Bar Association Welfare Fund, they shall approach the Authorities, who shall carry out the necessary changes to the sale deed, on the strength of these instructions.

6. The petition is disposed of in above-said terms. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

July 10, 2025
(Shivank Thakur)