

(2018) 05 RAJ CK 0138

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2055, 1270, 2054 of 2008

Indian Oil Corporation Ltd. @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 15-05-2018

Acts Referred:

Constitution of India, 1950 — Article 33(a)(iii), 226

Citation : (2018) 05 RAJ CK 0138

Hon'ble Judges : SANDEEP MEHTA, J

Bench : Single Bench

Advocate : O.P. Mehta, K.L. Thakur, Narendra Singh Rajpurohit

Final Decision : Disposed Off

Judgement

S. No.,S.B.C.W.P No.,Demand Order,Notice,Demand Amount

1.,2055/2008,"Dated 13.12.2007

Annex.3","Dated 17.12.2007

Annex.4","Rs.3,41,500/

2.,2054/2008,"Dated 13.12.2007

Annex.3","Dated 17.12.2007

Annex.4","Rs.1,94,000/

3.,1270/2008,"Dated

25.07.2007 Annex.4","Dated 28.12.2007

Annex.5","Rs.3,73,249

has taken the very same view. The Collector (Stamps), while deciding the matters failed to consider the registered correction deed executed between",,,,

the lessor and the lessee, i.e. the petitioner herein, whereby the clause regarding automatic renewal of the lease deeds for the second term was",,,,

deleted.Â Furthermore, this court in the case of State of Rajasthan Vs. Shri Sunder Lal (supra) considered the import of the 3 monthsâ?? notice",,,,

period incorporated in the lease deed and held that the said condition does not give rise to an inference that the period of lease deed would be,,,,

extended for the said term unilaterally, unconditionally and without consent of the lessor.",,,,

In view of this settled legal position, this court is of the firm opinion that the orders under challenge do not stand to scrutiny and cannot be sustained as",,,,

they were passed in total contravention of the admitted factual position that the lease deeds in questioned were valid of a period of 19 years 11 months,,,,

only and thus, could not be treated to be conveyances.Â",,,,,

As a result of the above discussion, the writ petitions deserve to be and are hereby allowed.Â The impugned demand orders passed by the Collector",,,,,

(Stamps), Pali and the consequent recovery notices, as detailed in the opening para of this order, are hereby quashed and struck down.Â The stay",,,,,

petitions are also disposed of.,,,,

No order as to costs.,,,,