

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 229 of 2020

Muhammad Rehman, etc

VS

Additional Deputy Commissioner Revenue Islamabad, etc

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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(3)

31.01.2020.

**Ch. Tavweer Akhtar, Advocate for the
petitioners.**

**Syed Naseem Hassan Shah, Advocate for
respondents.**

**Mr. Muhammad Atif Kokhar, State
Counsel.**

Mr. Waseem Ahmad, ADCR, Islamabad.

The Petitioners in this case are aggrieved by Notification No.36/1-(192)-DRA, dated 15.01.2020, under Section 27-A of the Stamp Act, 1899, issued by Respondent No.1, whereby the valuation of immovable properties listed in impugned Notification have been increased tremendously.

2. Learned counsel for the petitioner argued that the petitioners are the owners of the properties situated in Mouza Jhangi Syedaan which is a low cost rate area and the value of property for the purposes of property tax has been exorbitantly raised without taking into consideration the category, market assessment value, etc and without following the procedure under the law. Learned counsel for the petitioner further submitted that the value enhanced to the extent of Mouza Jhangi

Syedaan is unjustified and unlawful and is liable to be set-aside.

3. Learned counsel for Respondents, on the other hand, submitted that notice to the Respondents have been served yesterday and, therefore, they may be allowed to file comments in the instant petition but at the same time argued that the provision of Section 27-A of the Stamp Act, 1899, provides alternate remedy under Section 27A(4) wherein the enhancement of value of immovable property by Respondent No. 1 can be challenged, thus the instant petition is not maintainable.

3. Record shows that the petitioners have also filed an application before the Deputy Commissioner, Islamabad, on 20.01.2020, to consider the unlawful enhancement of rent value of properties through impugned Notification and requested to suspend the impugned Notification and evaluate the property in accordance with the category of the area and provision of facilities to the owners. It is noted that the said application is still pending.

4. During the course of arguments the learned counsel for petitioners submitted that he would be satisfied if the present petition is disposed of with the direction to Respondent No. 2 to decide the pending application within

15 days, which the learned counsel for respondents have also consented to.

4. In view of the above, instant petition is disposed of with the direction to Respondent No. 2 to decide the application dated 20.01.2020, filed by the petitioners within 15 days from the receipt of this order, strictly in accordance with law.

(LUBNA SALEEM PERVEZ)
JUDGE

M. JUNAID USMAN