

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2007 of 2014

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1. Vidya Sagar
2. Kudan Kumar
3. Amar Nath
4. Ranjan Kumar

All Sons Of Late Shyam Bihari Prasad Resident Of Village - Baidrabad,
P.S. Arwal, District - Arwal, Presently Residing At Madhav Nagar, P.O.
Jehanabad, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar , Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Collector-Cum-District Registrar, Jehanabad
3. The Registration Officer, District Registration Office, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Respondent/s : AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 10-08-2015 Heard Sri Rabindra Kumar, learned counsel for the

petitioners and learned AC to SC No. 9.

Petitioners, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, have prayed for quashing of a communication i.e. letter no. 473 dated 13.11.2013 passed by the Collector- cum- District Registrar, Jehanabad (Annexure - “3” to the writ petition) by which petitioners have been directed to deposit difference amount of stamp duty with penalty and registration fee totaling Rs. 2,12,800/- and Rs. 53,200/- respectively on the plea that petitioners had got their land registered showing the land as residential whereas,

according to the Collector the land in question was commercial. In the writ petition a specific stand has been taken by the petitioners that the land was got registered after deposit of adequate stamp duty in the year 2008 itself and all of a sudden in the fag end of 2013 the impugned order has been issued, that too, without any show cause notice to the petitioners. Meaning thereby, that the order has been passed in complete violation of the principle of natural justice.

In this case a counter affidavit has been filed on behalf of the respondent no. 2 and 3 and learned counsel for the State tried to justify the order. However, in the counter affidavit no reply has been given to the statement made in paragraph no. 9 of the preset writ petition, wherein, it has been indicated that no show cause notice was given to the petitioners prior to passing of the impugned order.

In view of the facts and circumstances, particularly the fact that the order impugned is in violation of the principle of natural justice, there is no option but to set aside the same. Accordingly, the impugned order is set aside and the writ petition stands allowed.

(Rakesh Kumar, J)

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