

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6914 of 2016

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Sri Kant Prasad, son of Sri Arjun Singh, resident of Muhalla - Malgodam Chhai
Road, Nawada, P.O., P.S. & District - Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner, Magadh Division, Gaya.
3. Inspector of Offices of Registrars, Magadh Division, Gaya.
4. The Collector, Nawada.
5. The District Registrar, Nawada.
6. The District Sub-Registrar, Dist. Registration Office, Nawada.
7. District Certificate Officer, Nawada.
8. Circle Officer, Hisua, District - Nawada.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Dronacharya, Adv.

Mr. Narghesh Kumar, Adv.

For the Respondent/s: Mr. Deepak Kumar, A.C. to S.C.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is challenging the order dated
12.12.2011 passed by the Inspector of Offices of Registrar, Magadh
Division, Gaya, whereby and whereunder he has demanded to
deposit an amount of Rs.1,03,680/- at the rate of 1,10,000/- per
decimal, in failure, the money will carry 5% interest per month and



accordingly, the money became Rs.3,68,064/-. The aforesaid order was challenged before the Commissioner Magadh Division, Gaya, vide Stamp Appeal Case No.59 of 2012, but the same was dismissed vide order dated 31.01.2013 on two grounds; firstly the appeal has not been filed within 60 days and secondly, 50% amount was not deposited which is *sine qua non* before filing the appeal.

3. It appears that the Commissioner Magadh Division, Gaya has not decided the appeal on its merit and only on technical grounds the appeal filed by the petitioner has been dismissed by the Commissioner. In such view of the matter, the order dated 31.01.2013 passed by the Commissioner, Magadh Division, Gaya, in Stamp Appeal Case No.59 of 2012 is set aside. The matter is remanded back to the Commissioner, Magadh Division, Gaya to decide the matter on its merit.

4. The petitioner is equally directed to deposit 50% of the demanded amount and file an application for condonation of delay before the Commissioner, Magadh Division, Gaya as the appeal was filed beyond the limitation period. If the petitioner deposits the 50% of the demanded amount and files an application for condonation of delay, the same will be considered by the Commissioner, Magadh Division, Gaya, and decide the case of the petitioner in accordance



with law considering all the points raised by the petitioner in the appeal as the petitioner claims that he has purchased the land in the year 2008 whereas the demand has been made at the rate of land fixed in the year 2009 and that too as per the petitioner the rate would be Rs.1,00,000/- per decimal whereas the demand has been made at the rate of Rs.1,10,000/- per decimal.

5. With the aforesaid observations and directions, this writ application is allowed to the aforesaid extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	11-01-2017
Transmission Date	

