IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10080 of 2016

==

1. Raj Kishore Mandal, Son of Late Hiro Mandal, Resident of Maksuspur Kali Asthan, P.S.- Kasim bazar, District-Munger.
2. Shankar Suman, Son of Late Sheo Nandan Prasad Yadav, Reisdent of Mahmadpur, P.S- Naya Ram nagar, District-Munger

... ... Petitioner/s

Versus

1. The State of Bihar through I.G. Registration, Bihar, Patna.
2. The Collector-cum-District Magistrate,Munger
3. The Assistant Inspector General, Registration, Munger Division,Munger.
4. The District Sub-Registrar, Munger, District Registration Office, Munger.
5. The Registering Officer, Munger.

... ... Respondent/s

==

Appearance :
For the Petitioner/s : Mr. Abhay Kumar Singh
For the Respondent/s : Mr. Ravi Verma, AC to GP-4

==

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-11-2018 Heard Mr. Abhay Kumar Singh, learned counsel for the petitioner and Mr. Ravi Verma, learned AC to GP-4 for the respondent-State.

The present writ application has been filed for quashing the order dated 27.01.2016 passed in Deficit Stamp Case Nos. 32 of 2015 and 47 of 2015, by Respondent No.3, the Assistant Inspector General, Registration, Munger Division, Munger, as contained in Annexure-8 and 9, respectively, whereby petitioner no.1, has been directed to deposit the deficit stamp to the tune of Rs. 13,69,000/- and 4,48,300/-, in the aforementioned respective cases. Further prayer has been made for quashing the order 27.01.2016 passed in Deficit Stamp Case Nos. 34 of 2015 and 35 of 2015, by Respondent No.3, the Assistant Inspector General, Registration, Munger Division, Munger, as contained in Annexure-10 and 11, whereby petitioner no.2, has been directed to deposit the deficit stamp to the tune of Rs. 7,90,108/- and 3,88,982/-, in the aforementioned respective cases.

Since there is provision of appeal under Rule 13 of the Bihar Stamp (Prevention of Under-Valuation of Instruments), Rules, 1995 (hereinafter referred to as 'the Rules, 1995') against the order passed under sub-section (2) of Section 47-A of the Indian Stamp Act, 1989 (hereinafter referred to as 'the Act') this Court is not inclined to interfere. However, in the interest of justice, this Court permits the petitioners to prefer an appeal before the appellate authority, i.e. the Divisional Commissioner, Munger Division, Munger within a period of three weeks from the date of receipt or production of a copy of this order.

It is expected from the appellate authority that if such an appeal is filed against the impugned order dated 27.01.2016, passed in Case Nos. 32, 47, 34 and 35 of 2015, as contained in

Annexure-8, 9, 10 and 11, respectively within a period of three weeks from the date of receipt/production of a copy of this order, along with prayer of stay and an application for condonation of delay in filing of the appeal, then the appellate authority may consider the same, within a period of six weeks thereafter, keeping in view the fact that writ application was pending before this Court.

In view of the ratio laid down in the case of Anand Bhusan Vs. State of Bihar and Ors. (CWJC No. 10002 of 2013) which has been affirmed by a Division Bench of this Court in L.P.A. No. 815 of 2015 (The State of Bihar and Ors. Vs. Anand Bhushan and Anr.), it is made clear that the petitioners are not required to deposit 50% amount of payable deficient stamp duty as required under Section 47-A (6) for filing of appeal under Section 47-A (4) of the Act against an order passed by the Collector under Section 47-A (3) of the Act since in the present case the appeal would lie under Rule 13 of the Rules, 1995 against the order passed under Section 47-A (2) of the Act which does not require deposit of 50% amount of payable deficient stamp.

For the next four weeks, let no coercive steps be taken against the petitioners in pursuance to the impugned order dated

27.01.2016, passed in Case No. 32, 47, 34 and 35 of 2015, as contained in Annexure-8, 9, 10 and 11, respectively.

Accordingly, the present writ application is disposed off with the observation and liberty aforementioned.

(Dinesh Kumar Singh, J)

Amrendra/-

U			