IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12923 of 2016

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Rajesh Kumar, Son of Sri Mohan Prasad resident of village - Barwat Pasrain, P.S. Mufashil Bettiah, District - West Champaran

... ... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Revenue, Government of Bihar, New Secretariat, Patna
2. The District Magistrate, West Champaran, Bettiah
3. The Registrar, Registry office West Champaran, Bettiah
4. The Deputy Registrar, Registry office West Champaran, Bettiah

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr. Subhash Chandra Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 25-10-2018

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

The present writ application has been filed for setting aside the Memo No. 1336 dated 30.06.2016, passed in Stamp Case No.140 of 2015-16, as contained in Annexure-4, issued under the signature of Sub-Registrar, West Champaran, Bettiah , whereby, the petitioner has been directed to deposit a sum of Rs. 7,51,680/- as deficient stamp duty along with penalty of Rs. 75,168/-, a sum to the tune of Rs.1,87,920/- as registration fee by 24.07.2016, failing which he has been directed to pay interest at the rate of 5% per month on deficit stamp. Further prayer has been made for quashing of Memo No. 1251 dated 17.06.2016 issued in Stamp Case No. 141 of 2015-16 under the signature of Sub-Registrar, West Champaran, Bettiah, as contained in Annexure-3, whereby, the petitioner has been directed to deposit the sum of Rs. 18,240/- as deficient stamp duty with penalty of Rs. 1,824/- and a sum to the tune of Rs. 4,560/- as registration fee by 25.07.2016, failing which he has been directed to pay interest at the rate of 5% on deficit stamp.

Re. I.A. No. 337 of 2018.

The aforementioned Interlocutory Application has been filed by the petitioner for addition of prayer, to the main writ application, whereby, the petitioner has prayed for quashing of the order dated 28.10.2017 by which certificate proceeding has been initiated and the petitioner has been directed to deposit the amount to the tune of Rs.16,14,984/-

Re. I.A. No. 3917 of 2018.

The aforementioned Interlocutory Application has been filed for quashing of the order dated 25.05.2016 passed in Stamp Case No. 141 of 2015-16 by the Assistant Inspector General (Registration), Tirhut Division, Muzaffarpur, whereby, the petitioner has been directed to deposit the deficient stamp duty with penalty and on delayed submission of stamp and payment of penalty within sixty days, he has been directed to pay interest at the rate of 5% on the deficit stamp.

Learned counsel for the petitioner is permitted to make necessary correction in the Interlocutory application.

Re. C.W.J.C. No. 12923 of 2016.

This Court is not inclined to interfere only on the ground that the impugned orders are appealable.

In the circumstances, petitioner is at liberty to prefer an appeal, if so advised, against the impugned orders within a period of four weeks from the date of receipt/production of a copy of this order, along with an application for condonation of delay in filing of the appeal, whereupon, the appellate authority is expected to consider the same, within a period of six weeks thereafter, keeping in view the fact that writ application was pending before this Court.

For the next four weeks, let no coercive steps be taken against the petitioner in pursuance to the impugned orders dated 30.06.2016 and 17.06.2016, passed in Stamp Case No.140 of 2015-16 and 141 of 2015-16, as contained in Annexure-3 and 4 respectively.

Accordingly, the writ application is disposed of with the observation aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	