

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5882 of 2018

Manisha Sharma Wife of Dinanath Sharma, Resident of Mohalla-Banuchapar,
Ward No. 5, P.S.-Bettiah Muffasil, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Inspector General, Registration, Vikash Bhawan, New Secretariat, Patna, Bihar.
2. The Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur.
3. The Collector, West Champaran at Bettiah.
4. The District Sub-Registrar, West Champaran at Bettiah.
5. Mahesh Thakur, Son of Lae Laloo Thakur, Resident of Mohalla-Nandpur Narkatiaganj, Ward No. 4, P.S.-Sikarpur, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
Mrs. Rashmi Jha

For the Respondent/s : Mr. Ravindra Kumar, AC to AAG6

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-09-2018

Heard learned counsels for the parties.

Though this writ application has been preferred for a direction to Respondent No. 2, the Assistant Inspector General, Registration, Tirhut Division, Muzaffarpur to release the registered document executed in favour of the petitioner, which is in custody of Respondent No. 5, Mahesh Thakur who executed the deed. Further prayer has been made to hold that the decision of the authority to enhance the stamp duty of the land in question at the present market value, to be illegal, arbitrary and misconceived. It has also further been prayed to put in abeyance, the notice issued to



the petitioner vide Memo No. 174 dated 08.02.2018, till the disposal of the writ application, as the same has been passed without issuing any notice to the petitioner.

From the counter affidavit filed on behalf of Respondent Nos. 3 and 4, it appears that the sale deed was executed in favour of the petitioner by the private Respondent No. 5, Mahesh Thakur and the nature of land was described as residential, having no structure, but during enquiry it was found that there was a structure on the land in question and accordingly Respondent No. 4, the District Sub-Registrar, West Champaran referred the matter under Section 47A(1) of Indian Stamp Act, 1899 to the Respondent No. 3, the Collector, West Champaran which led to initiation of Stamp Case No. 67 of 2015-16. Thereafter, after giving opportunity to all affected persons, the Respondent No. 2, the Assistant Inspector General, Registration, Tirhut Division, Muzaffarpur, vide order dated 25.01.2018 directed the petitioner to make payment of the deficit stamp and in case of delay in making the payment, the petitioner was directed to pay interest on the said amount.

In such background, after some arguments,



learned counsel for the petitioner seeks permission to withdraw this application to file appeal along with an application for condonation of delay before the appropriate authority.

If such appeal is filed, the appropriate Appellate Authority will consider the application for condonation of delay keeping in view the fact that this writ application was pending before this Court.

This writ application is disposed of as withdrawn with the liberty aforesaid.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

