

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2383 of 2017

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Sitaram Prasad Son of Late Jagarnath Sah, Resident of Village/Mohalla-Kolhuarwa, Police Station-Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Inspector General of Registration, Bihar, Patna
2. The District Sub-Registrar, East Champaran at Motihari.
3. The Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur.
4. Bishwanath Singh Son of Late Fulgen Singh, Resident of Village-Digha, P.O.-Ghorasahan, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Respondent/s : Mr.Vivek Prasad-Gp7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-09-2019

1. The present writ petition has been filed for quashing the demand notice dated 06.08.2016 issued in connection with Deficit Stamp case no. 41 of 2014-15 as also the demand notice dated 06.08.2016 issued in connection with Deficit Stamp case no. 36 of 2014-15 and 40 of 2014-15.

2. The learned counsel for the petitioner has addressed on merits of the case and has submitted that the special inquiry of the land in question was made by unauthorized persons, *de hors* the provisions of law. It is further submitted that the copy of the complaint, made by one Bishwanath Singh, pursuant to which the proceedings were



initiated, has also not been supplied to the petitioner, as such the entire proceeding is vitiated and fit to be set aside.

3. *Per contra*, the learned counsel for the respondents, referring to the counter affidavit filed on behalf of the respondents no. 2 and 3, has submitted that upon a complaint made by one Bishwanath Singh, before the Assistant Inspector General of Registration, Bihar, Patna alleging therein that sale deeds no. 6410, 6415, 6414, all dated 26.04.2007 have been registered in the name of the petitioner and his wife by showing lesser classification/ value than actual market value of the vended property, the A.I.G., Registration, Tirhut Division, Muzaffarpur, having jurisdiction in the matter for making inquiry and passing orders in accordance with law under Section 47 of the Indian Stamp Act, had issued show cause notice enclosing copy of the complaint and report submitted by the District Sub-Registrar, East Champaran after instituting case no. 36 of 2014-15, 40 of 2014-15 and 41 of 2014-15 and the petitioner was asked to submit his show cause reply. Subsequently, the petitioner was asked to be present on spot for physical verification of the land/ property in question on 26.05.2014 vide letter dated 30.04.2014. It is a mater of record that the writ petitioner did not file any reply nor produced any



evidence in his defence, whereafter the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur considered the report of the District Sub-Registrar, East Champaran as also upon application of his mind and going through the materials on records and deeds in question, passed orders dated 14.04.2016 in Case no. 40 of 2014-15 and case no. 36 of 2014-15 as well as the order dated 26.02.2016 in case no. 41 of 2014-15, which were communicated to the writ petitioner but neither the petitioner has filed any appeal against the said order before the Commissioner, Tirhut Division, Muzaffarpur or before the appropriate appellate authority nor the same has been challenged in the present proceedings.

4. I have heard the learned counsel for the parties and I find that the petitioner has failed to challenge the order passed by the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur dated 14.01.2016, passed in case no. 40 of 2014-15 and case no. 36 of 2014-15 as also the order dated 26.02.2016 passed in case no. 41 of 2014-15 and has only challenged the subsequent demand notice, hence this Court is of the view that no relief can be granted to the petitioner, in absence of challenge to the decision of Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, passed



under *Section 47(A) of the Indian Stamp Act, 1899*, thus the writ petition stands dismissed. Nonetheless, this Court grants liberty to the petitioner to file an appeal against the aforesaid orders dated 14.01.2016, passed in case no. 40 of 2014-15 and case no. 36 of 2014-15 as also the order dated 26.02.2016 passed in case no. 41 of 2014-15.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2019
Transmission Date	NA

