

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3414 of 2019

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Mannu Narayan Jha, aged about 66 years, Male, S/o Late Bhagirath Jha
Resident of Village-Masdi,P.S. Sultanganj,Dist.-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Registration.
2. The Inspector General of Registration, Bhagalpur, Division, Bhagalpur
3. The Deputy Inspector General, Registration, Bhagalpur Division Bhagalpur
4. The District Collector-cum District Registrar, Bhagalpur
5. The District Sub Registrar, Bhagalpur
6. The District Certificate, Officer, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nand Gopal Mishra
For the Respondent/s : Mr.Raj Kishore Roy (GP18)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-07-2019 Learned counsel for the petitioner submits that in this case the impugned action for realization of increased amount of stamp duty by raising the valuation of the land has been taken after expiry of two years period which is prescribed limit under the Act for the Collector to take action of such nature.

Learned counsel submits that in terms of Section 47A of the Act within two years from the date of execution of the deed, the Collector can suo-motu call for and examine any records and take the nature of action which has been taken in the present case. In this case, however, the sale deed was executed in the year 2012 and the action has been taken in the year 2015



after expiry of the statutory limit.

However, in course of argument finding that there is alternative remedy available to the petitioner by filing an appeal against the order of Collector before the Commissioner, learned counsel seeks permission to withdraw this writ application with liberty to avail the alternative remedy of filing appeal before the appropriate authority.

Learned counsel however submits that the Collector has already initiated a certificate proceeding for realization of the amount of four Lakhs and odd after enhancing the valuation of the land. It includes now the interest also, therefore, in the nature of the order passed by him without giving an opportunity to the petitioner and by exceeding his jurisdiction an appropriate relief may be granted at this stage.

Learned counsel for the State, however in view of the submissions made on behalf of the petitioner, learned counsel for the State submits that petitioner may avail his alternative remedy.

In the given facts and circumstances of the case, this writ application is being disposed of with liberty to the petitioner to avail appropriate statutory remedy by filing an application/appeal, as the case may be, within 30 days from



today and pray for an interim relief before the statutory authority in accordance with law. If an application/appeal is preferred within a period of 30 days from today with a prayer for interim relief, no coercive action shall be taken against the petitioner for realization of the money under the Certificate Proceeding till disposal of his application for interim relief filed before the statutory authority.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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