

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.290 of 2019

=====

Bindu Kumar Yadav, Son of Late Chamak Lal Yadav, Resident of Village-Sandalpur, P.S. Muffasil, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Munger.
4. The Registrar, Munger, District Munger.
5. The District Treasury Officer, Munger, District Munger.
6. The Branch Manager, State Bank of India, Munger, District Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Advocate
For the Respondent/s : Mr. Asif Kalim, AC to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and the respondents.

2. The petitioner has filed the present writ application for a direction to the respondents to refund amount (Rs.1,16,510/-) deposited in connection with Stamp fee and Registration fee.

3. Learned counsel for the petitioner submits that the vendor denied to sell the land and as such the amount deposited in connection with Stamp fee and Registration fee was of no use and as such the petitioner approached the competent authority, initially, the Registrar on 22.07.2016 and thereafter the



Commissioner of the Division requesting therein for refund of amount deposited in connection with issuance of Stamp fee and Registration fee by way of Bank Challan. The Challan was deposited by the petitioner on 12.08.2015 and it appears that the Commissioner rejected the application for refund of deposited amount on 03.11.2016.

4. The petitioner has averred in the writ application that he has applied before the Commissioner on 08.08.2016, however, there is no acknowledgment and as such the Commissioner, Munger Division, Munger in the order refusing refund has mentioned that the application is time barred.

5. The purpose of deposit of amount through Bank Challan is utilization of fund for payment of Stamp fee and Registration fee for execution of deed. The Stamp fee and Registration fee is only payable if document is registered. The scheme provide for refund prescribed time limit for refund but the deposited amount of the petitioner cannot be treated as forfeited simply because there is some delay in approaching the authority. After all, it is a Welfare State and the Welfare State is not supposed to forfeit the hard earned money of the citizen. The Court finds dilly dally attitude of the petitioner in connection with refund of Stamp fee and Registration fee.



6. Considering the totality of the facts situation and in the interest of justice, the Court directs the respondents to refund the amount of Rs.1,16,510/- after deducting 10% of the said amount, as the State authorities and Bank have done some job in connection with preparation of Challan and other formality in relation to registration. The amount after deducting 10% shall be refunded to the petitioner at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.

7. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

