

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6643 of 2018

=====

Sudhir Kumar Singh Son of Late Akhileshwar Pd. Singh, Resident of Bagha,
District- West Champaran, Bettiah..... Petitioner/s

Versus

1. The State Of Bihar.
2. The Inspector General of Registration, Bihar, Patna.
3. The Assistant Inspector General of Registration, Tirhut Division,
Muzaffarpur.
4. The District Registrar-cum-Collector-cum-District Registrar, West
Champaran, Bettiah.
5. The District Sub Registrar, Bettiah, West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Kumar Manish -Sc5

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 19-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

Petitioner is aggrieved by the order passed by the
respondent No.3 in case no.87/2012-13 vide order dated
9.4.2016, whereby the petitioner has been asked to deposit
additional stamp duty and fine Rs.1,78,200/- (rupees one lakh
seventy-eighty thousand two hundred only) in the instant case.
The order adversely affecting the interest of the petitioner was
passed without giving opportunity of the hearing to the
petitioner.

On behalf of the respondent submission has been
advanced that the petitioner has not availed the opportunity



although he was given opportunity.

Learned counsel for the petitioner submits that proviso to Section 47A provides the registering authority after registration if he is satisfied that the market value of the property has not been rightly set forth or it is higher than the market value he shall refer it by assigning proper reasons to the Collector for determination of proper market value of such property and the proper duty payable thereon. That is mandatory requirements for reopening the matter after the instrument is registered was not followed by the respondent and as such the direction or command to deposit fine and deficit stamp fee in the instant case vide order dated 9.4.2016 is unsustainable. It is accordingly, quashed.

However, liberty shall be available to the respondent to take appropriate decision in terms of proviso to Section 47A of the Registration Act afresh after following due procedure prescribed under the Act as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

U			
---	--	--	--

