

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19652 of 2019

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Rakesh Kumar Singh Son of Jaleshwar Singh, Resident of Mohalla Bichla
Telpa Police Station Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Registration Department, Bihar, Patna.
2. The Additional Registration General, Saran at Chapra.
3. The Register Cum District Collector, Saran at Chapra.
4. The Deputy Registrar, Saran at Chapra.
5. The Circle Officer, Sadar, Saran at Chapra.
6. The Circle Inspector, Sadar, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Ban Bihari Singh
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 17-10-2019

1. The present writ petition has been filed for quashing the notice dated 17.08.2019 and the order dated 27.04.2018 passed in Stamp case no. 28 of 2018, whereby and whereunder the respondents have enhanced the registration stamp fees and other cost to Rs. 1,54,284/- instead of Rs. 78,880/-, on the ground that firstly no cogent reason has been furnished and secondly no opportunity of hearing has been granted to the petitioner, thus the respondents have passed the impugned order dated 27.04.2018, in violation of the principles of the natural justice.

2. The learned counsel for the respondents have raised a preliminary objection regarding the maintainability of the present



writ petition, inasmuch as the impugned order dated 27.04.2018, passed in Stamp case no. 28 of 2018 by the Assistant Inspector General (Registration), Saran Division, Chapra is appealable under Section 13 of the Bihar Stamp (Prevention of Under-Valuation of Instruments) Rules, 1995.

3. *Per contra*, the learned counsel for the petitioner, though does not dispute the fact that there is a provision of appeal against the impugned order dated 27.04.2018 but submits that since the impugned order has been passed without either issuing notice to the petitioner or hearing him, as such there is violation of principles of natural justice, hence the alternative remedy of appeal is not a bar to the maintainability of the present writ petition.

4. I have heard the learned counsel for the parties and perused the materials on record and I find from a bare perusal of impugned order dated 27.04.2018 passed in Stamp case no. 28 of 2018, that the parties/ petitioner herein were issued notices vide letters dated 09.02.2018, 20.02.2018, 12.03.2018, 21.03.2018 and 10.04.2018, however they had failed to appear and had also not produced any concrete evidence to the contrary, hence again, a final date of hearing was fixed on 27.04.2018 and the parties were issued notices/ information regarding the same vide letter dated 18.04.2018 but still the parties did not appear, thus the Assistant



Inspector General (Registration) had no option but to presume that the parties did not have to say anything in the matter and had no objection and as such, proceeded to pass the final order dated 27.04.2018. This aspect of the matter has neither been controverted to by the petitioner in the writ petition nor has been addressed during course of the arguments advanced by the learned counsel for the petitioner. Hence, this Court is of the view that there has been no violation of the principles of natural justice, accordingly, the preliminary objection raised by the respondents regarding maintainability of the present writ petition, in view of the provision of appeal, as aforesaid, is upheld and the writ petition stands dismissed, however with liberty to the petitioner to file appropriate appeal, if so advised and in case, such an appeal is filed within a period of four weeks from today, the same shall be considered on merits without the appellate authority being impeded by the issue of limitation.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2019
Transmission Date	NA

