IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21817 of 2019

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1. Smt. Rambha Devi Wife of Umesh Kumar Yadav, Resident of Village-Bisanpur, P.S.-Sour Bazar, Dist-Saharsa.
2. Smt. Neelam Devi, W/o Sri Ramesh Kumar Yadav, Resident of Village-Bisanpur, P.S.-Sour Bazar, Dist-Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar at Patna.
2. I.G. Registration, Bihar at Patna.
3. A.I.G., Koshi Division, Saharsa.
4. District Magistrate-cum-Collector, Saharsa.
5. District Certificate Officer, Saharsa.
6. The Sub-Registrar, Saharsa.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha
For the Respondent/s	:	Mr.P.N. Shahi (AAG-6)
		Mr. Sanjeet Kumar Singh, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 19-11-2019 The petitioner by way of present writ petition has sought quashing of the order dated 28.03.2017 passed by the Assistant Inspector General, Registration, Koshi Division, Saharsa, whereby and whereunder in purported exercise of the power vested under Section 47A of the Indian Registration Act, 1899, the deficient stamp duty, which is required to be paid by the petitioners, has been assessed.

The learned counsel for the petitioners submits that on the very face of the aforesaid order dated 28.03.2017, it is apparent that the same has been passed in a mechanical manner without considering the case of the petitioner, however, the learned counsel for the petitioners seek liberty to challenge the same by filing an appeal under Section 13 of the Bihar Stamp (Prevention of under valuation of Instrument) Rules, 1995.

Having regard to the submissions made by the learned counsel for the petitioners, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to challenge the aforesaid order dated 28.03.2017 by filing appropriate appeal. It is further directed that for a period of four weeks from today, status quo existing as on today, shall be maintained so that the petitioners can file appeal and seek interim relief from the appellate authority. It is needless to state that in case an appeal is filed within a period of four weeks from today along with a petition for interim relief, the appellate authority would be well advised to either dispose of the appeal itself or in the alternative at least dispose of the petition for grant of interim relief at the very inception.

(Mohit Kumar Shah, J)

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