

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10737 of 2015

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Upendra Kumar Rai son of Late Sarju Rai, Resident of Village- Saleya, P.S.-
Akorhigola, District- Rohtas Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Sub- Registrar, I.G. Patna Division, Camp Court, Sasaram Rohtas.
3. The District Magistrate, Rohtas Sasaram.
4. The District Sub-Registrar D.S.R. Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Upadhyay, Adv.
For the State	:	Mr. Yatindra Narayan, AC to GP16 Mr. Sitaram Yadav, GP16

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 19-12-2022 1. Learned counsel for the petitioner assails the order dated 05.06.2014 passed by the Collector Stamps holding insufficient stamp duty paid on the registered sale deed by the petitioner.

2. Learned counsel submits that the Collector ought to have waited for their report of the Circle Officer and ought not have relied on the report of the concerned clerk in regard to devaluation of the document. Per contra, learned counsel appearing for the State has taken this Court to provisions of Section 47(A) of the Indian Stamp Act 1899 and specifically to sub-section 4 which provides for appeal to the Commissioner against the order of the Collector.



3. Learned counsel for the petitioner submits that although the provision of appeal is available in the statute since fifty per cent of the amount payable has to be deposited the petitioners have approached this Court.

4. In the opinion of this Court, the condition mentioned in Sec. 47 A (6) of pre-deposit of fifty per cent is not an onerous condition and the same cannot be a ground to entertain writ petition. The petitioner is left free to file appeal before the Commissioner in terms of provisions of Section 47(A)(4) read with 47A (6) of the Act of 1899. The pendency of this writ petition shall be taken into consideration for condoning the limitation.

5. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

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