IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5015 of 2019

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Mokhtar Husain S/o late Md. Hasan Miyan Permanent R/o Village- Jasauli Shekhpatti, P.S. Darauda, Hal Thana, Pachrukhi,District- Siwan.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Act, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise and Registration Act, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Inspector General of Registration, District Registration Office, Saran Division, Chapra.
5. The District Sub Registrar, Siwan.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vagisha Pragya Vacaknavi
For the Respondent/s	:	Mr.Anil Kr. Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 18-07-2022 Though, the present writ petition has been filed for quashing the notice dated 21.04.2018 issued by the District Sub-Registrar, Siwan whereby and where-under the petitioner has been directed to deposit deficit Stamp fees to the tune of Rs. 2,78,130/-, however, the Respondents have brought on record the final order passed under Section 47-A of the Indian Stamp Act, 1899 dated 20.07.2012, passed by the Inspector General Registration, Saran Division, Chapra, hence, it is prayed by the learned counsel for the petitioner that liberty be granted to the petitioner to challenge the same by filing an appeal u/s 47-A(4) of the Indian Stamp Act, 1899.

The Ld. Counsel for the petitioner has further submitted that before passing the aforesaid final order dated 20.07.2012, the petitioner was not served any notice, hence, no opportunity of hearing was granted to the petitioner and instead a notice dated 21.4.2018 directing the petitioner to deposit deficit stamp fee was issued and only after filing the present petition, it has transpired that the final order u/s 47A of the Indian Stamp Act, 1899 has been passed, which has been annexed to the counter affidavit filed by the Respondent State.

Per contra, the learned counsel for the Respondent State submits that several notices were issued to the petitioner, however, since the petitioner did not either respond or file his objection, the Inspector General Registration, Saran Division, Chapra passed the final order u/s 47A of the Indian Stamp Act dated 20.07.2012 in Stamp Case No. 106 of 2011, however, it is submitted that in case the petitioner files an appeal, the appeal would definitely be heard on merits.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file appropriate appeal against the aforesaid order dated 20.07.2012 and in case such an appeal is filed within a period of four weeks from today, the same shall be heard on merits by the appellate authority, without being impeded by the issue of limitation and appropriate order shall be passed thereon within a period of 12 weeks, thereafter.

It is needless to state that in case appropriate appeal is filed within a period of four weeks from today, no coercive action shall be taken against the petitioner to recover the deficit stamp fee, till disposal of the appeal to be filed by the petitioner.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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