

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6121 of 2022

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Sharmila Kumari Wife of Sri Ajay Kumar Resident of Village-Mahabalipur,
P.O.-Mahabalipur, P.S.-Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Patna.
2. The Assistant Inspector General, Registration Patna Division, Patna.
3. The Registrar, Registry Officer, Patna.
4. The Senior, Deputy Collector Cum Certificate Officer, Patna.
5. The Additional Registrar, Registry Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

Petitioner has prayed for the following relief(s):-

- (i) For issuance of appropriate writ, order or direction especially in the nature of certiorari for quashing the order dated 15.02.2018, passed in Case No. 182/2012, by Assistant Inspector General Registration, Patna Division, Patna; whereby direction has been given to petitioner to deposit Rs. 65,956 through Chalan, before State Bank of India, Gandhi Maidan Branch (main branch) Patna.
- (ii) For issuance of appropriate writ, order or direction especially in the nature of certiorari for quashing the letter dated 13.08.2021 issued by Certificate Officer cum Senior Deputy Collector, Patna; whereby direction has been given to deposit a sum of Rs. 1,85,420/- (One lac eighty five thousand four hundred and twenty only)



failing which; certificate will be issued.

(iii) For issuance of appropriate writ, order or direction especially in the nature of mandamus commanding the Respondents Authorities not to proceed with the case and recover the sum of Rs. 185420/- during pendency of writ petition.

(iv) For issuance of appropriate writ, order or direction to which the petitioner may be found entitled in the facts and circumstances of this case.”

Mr. Vikash Kumar, learned S.C.-11 inviting our attention to Sub-Section 4 of Section 47-A of the Indian Stamp Act, 1899. Mr. Vikash Kumar opposes the petition on the ground that petitioner has got an equally alternative efficacious remedy for all questions of fact and law which can be adjudicated by the said authority.

We are in agreement with the submissions made by the State.

As such, we dispose of the present petition reserving liberty to the petitioner to prefer an appeal, statutory in nature, which is equally efficacious for all disputed questions of fact, more so, in relation to similarly situated person can also be adjudicated by the said authority.

We are hopeful that as and when any such proceeding shall be initiated, the same shall be decided expeditiously and not later than three months thereof. If, however, petitioner does not prefer an appeal within the aforesaid period proceedings



under Bihar & Orissa Public Demands Recovery Act, 1914 shall be taken to its logical end.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Avinash/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

