

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16544 of 2019

Reyaz Ahmad @ Reaz Ahmad Son of Late M. Sayeed @Md. Sahid, Resident of Bettiah Town, Mohalla- Naya Tola, Ward No. 15, P.O. and P.S. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Assistant Inspector General of Registration, Department of Registration, Tirhut Division, Muzaffarpur.
4. The Collector, West Champaran, Bettiah.
5. The District Sub-Registrar, Bettiah, West Champaran.
6. The Certificate Officer, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate Mr. Kundan Kumar, Advocate Mr. Ayush Kumar, Advocate Mr. Kanisht Kaustubh, Advocate Mr. Shikhar Mani, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Heard learned counsel for the parties.

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

- i) For setting aside the ex-parte order dated 10-05-2016 passed in Reference Case No. 42/14-15 passed by Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, in exercise of the power conferred under Section 47A of the Indian Stamp Act, whereby the petitioner has been directed to pay Rs. 432720/- as additional / deficit



stamp duty and penalty of Rs.43272/- i.e. total Rs. 475992 /- (Rupees Four Lakh Seventy Five Thousand Nine Hundred Ninety Two) with respect to Registered sale deed dated 14.07.2014 within 60 days, otherwise 5 % monthly interest shall also be recoverable. It has also been directed that in case of nonpayment of the said amount certificate proceeding shall be initiated against the petitioner.

- ii) For setting aside the entire certificate proceeding bearing Certificate Case No. 42 / 17-18 pending which has been initiated on the basis of ex-parte order dated 10-05-2016 passed in Reference Case No. 42-2014-15 pending before the Certificate Officer, Bettah, West Champaran for recovery of Rs. 843804/- from the petitioner.
- iii) For any other relief / reliefs for which the petitioner may be deemed entitled too.

We find the impugned order dated 10.05.2016 passed by Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur in Reference Case No. 42/14-15 (Annexure-2, Page-19), to have been passed without complying with the principles of natural justice. No notice or opportunity of hearing was afforded to the petitioner. The order entails civil and penal consequences.

As such, we quash and set aside the impugned order dated 10.05.2016 passed by Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur in Reference Case No. 42/14-15 (Annexure-2, Page-19).

Liberty reserved to the respondents/Registration



Authority, constituted under the Indian Stamp Act, 1899, to initiate appropriate action against the petitioner, in accordance with law.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	09.12.2022
Transmission Date	

