

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19448 of 2021

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Smt. Fula Devi Wife of Shri Suresh Yadav Resident of Village / Mauja -
Dhumrama, PS - Deep Nagar, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Old Secretariat Bihar Patna.
2. The District Magistrate, Nalanda.
3. The District Magistrate cum Registrar, District Registration Office, Nalanda (Bihar).
4. The Sub Registrar Registry Office (Sadar) Bihar Sharif Nalanda (Bihar).
5. Assistant Registrar General, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2022 The present writ petition has been filed seeking the following relief:-

- 1. (i) For issuance of an appropriate writ(s), order(s) and direction(s) to the respondents authority for direction specially to the respondent no.2 to admit and dispose of the appeal filed before the Ld. Collector, Nalanda on behalf of the Appellant/petitioner on 18.09.2018 before in the light of order dated 29.08.2018 passed in CWJC No. 17091/2018 by the Hon'ble High Court Patna presided by Hon'ble Mr. Justice Dinesh Kumar Singh.*
- (ii) For setting aside the order dated 17.04.2018*



passed by the Assistant Registrar General Patna Division, Patna in complaint (Deficit Registration Fee) Case No. 08/2017 (contained in Annexure P/3 to this petition) by which the respondent no.4 directed the petitioner to pay/deposit the deficit registration charge of Rs.1,80,640/- failing which the interest @ 5% will be charged failing there upon, the certificate processing will be initiated for recovery of said amount against the petitioner according to norms of the Indian Registration Act.”

At the outset, the learned counsel for the petitioner submits that upon perusal of the counter affidavit, filed in the present case, it has transpired that the petitioner has preferred the requisite appeal before the learned Collector, Nalanda instead of filing the same before the Divisional Commissioner concerned. Hence, the Ld. Counsel for the petitioner seeks liberty on behalf of the petitioner to file an appeal afresh before the concerned Divisional Commissioner. Liberty so sought is granted.

It is needless to state that in case appropriate appeal is filed afresh within a period of four weeks from today, before the concerned Divisional Commissioner, the same shall be decided on merits, without the Appellate Authority being impeded by the issue of limitation and a reasoned and a speaking order shall be passed, in accordance with law, within a period of 12 weeks,



thereafter.

The writ petition stands disposed off on the aforesaid
terms.

(Mohit Kumar Shah, J)

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