

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5357 of 2020

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Md. Shabir @ Md. Sabir Son of Haji Mahbob Miya Resident of Village-
Kasma, P.s.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
3. The District Magistrate, Gaya
4. The Assistant Inspector General of Registration, Magadh Division, Gaya
5. The District Sub Registrar, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Murad Ashraf, Advocate
For the Respondent/s : Mr. Rewti Kant Suman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-01-2023 Heard Mr. Md. Murad Ashraf, learned counsel for the

petitioner and Mr. Rewti Kant Suman, learned AC to SC-11 for

the respondent/s.

The present writ application has been filed for quashing the notice issued by District Sub Registrar Gaya vide memo no. 25 dated 23.01.2019 whereby petitioner has been directed to deposit deficit stamp duty and registration charge alongwith interest being total Rs. 1,94,519 and to quash the order 21.05.2016 passed in Refer Case No. 27 of 2015 by Assistant Inspector General of Registration Gaya alongwith other reliefs.



Learned counsel appearing on behalf of the petitioner submitted that in view of provision under Section 47A Sub Clause 4, petitioner seeks to avail remedy of appeal before the Commissioner, Gaya, against the order dated 26.05.2016, because he was constrained in filing the appeal in absence of any order communicated to him and for the first time he could know about the order dated 26.05.2016, after he had received notice contained in memo no. 25 dated 23.01.2019, by which the petitioner has been directed to deposit Rs. 66,990/- the deficit amount of registration.

Learned counsel appearing on behalf of the respondent submitted that way back in year 2015 vide memo no. 32A dated 20.01.2017 the petitioner was already communicated about order dated 26.05.2016 to deposit the deficit amount of registration fee, but the petitioner did not deposit the deficit amount of registration fee. He further submitted that there is statutory bar to file appeal within 60 days of the passing of impugned order.

Having perused the content of Annexure-I, the notice dated 22.01.2016 pursuant to which order was passed on 30.01.2016, and communicated by registered post to the petitioner. Petitioner has not taken any effort either to deposit



the deficit amount of registration nor he had availed remedy of Appeal before the Commissioner, Magadh Division.

Having considered the rival submissions of the parties, the petitioner, if so advised, may file a detailed representation before the concerned respondent having jurisdiction bringing on record the detail facts. The concerned respondent may consider to waive the interest accrued on account of any delay payment made by the petitioner on account of deficit amount of registration fee in accordance with law.

Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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