

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16865 of 2022

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Beer Kuar Singh Son of Late Singhasan Singh, resident of Village- Shri Nagar, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Dept. Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, Chhapra, District- Siwan.
3. District Magistrate, Siwan, Distt. Siwan.
4. District Sub- Registrar, Siwan, Dist. Siwan.
5. Collector-Cum- Mahanirikchak, Saran Division, Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the State : Mr.Manish Dhari Singh, (A.C. To A.G.)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-10-2023 1. The present writ petition has been filed for quashing the notice dated 21.01.2020, by which the office of the District Registrar, Siwan has directed the petitioner to pay a sum of Rs. 43,376/- on the head of deficit stamp duty along with registration charges to the tune of Rs. 8,680/- and late charges to the tune of Rs. 4,33,760/- totalling to a sum of Rs. 4,85,816/-.

2. The admitted facts of the present case are that the Collector-cum-District Registrar, Siwan had passed an order dated 23.05.2003, by which the petitioner was directed to pay deficit stamp duty to the tune of Rs. 43,376/-, however, the same was challenged by the petitioner by filing Stamp Appeal



(Registration) No. 13/2003-04, which was allowed by the Commissioner, Saran Division, Chapra by an order dated 20.02.2004/26.02.2004 and the matter was remanded back to the District Registrar, Siwan to pass appropriate orders expeditiously, however, it is not in dispute that the District Registrar, Siwan has not passed any order, upon remand till date.

3. Nonetheless, the learned counsel for the petitioner submits that the petitioner is still ready to pay a sum of Rs. 43,376/- demanded by way of deficit stamp duty, for the purposes of registration of the sale deed in question along with registration charges to the tune of Rs. 8,680/-, in order to get rid of the litigation, once and for all.

4. Having regard to the fact and circumstances of the case and considering the fact that the matter had stood remanded back to the District Registrar, Siwan, long back, for re-consideration of the case of the petitioner pertaining to levy of Rs. 43,376/- by way of deficit stamp duty, however, the District Registrar, Siwan has not bothered to decide the case of the petitioner till date, meaning thereby that no demand is in existence, as on date, nonetheless, considering the fact that the petitioner is ready to pay the demand already assessed by the



Collector-cum-District Registrar, Siwan vide order dated 23.05.2003, I deem it fit and proper to direct the District Registrar, Siwan to accept the aforesaid amount of deficit stamp duty to the tune of Rs. 43,376/- along with the registration and other charges amounting to a sum of Rs. 8,680/-and then immediately register the sale deed in question.

5. Accordingly, the present writ petition stands allowed.

(Mohit Kumar Shah, J)

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