

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23085 of 2019

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1. Smt. Rambha Devi, Wife of - Umesh Kumar Yadav, resident of village- Bisanpur P.S.- Sour Bazar Dist- Saharsa.
 2. Smt. Neelam Devi, not known, resident of village- Bisanpur P.S.- Sour Bazar Dist- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar at Patna.
2. I.G. Registration, Bihar at Patna.
3. A.I.G, Koshi Division, Saharsa.
4. District Magistrate- cum Collector, Saharsa.
5. District Certificate officer, Saharsa.
6. The Sub-Registrar, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 04-01-2023 Petitioners have prayed for the following relief(s):

“i. For issuance of writ of certiorari for quashing of Memo no 33 dated 25.4.2017 issued by Respondent no. 3, A.I.G. Kosi Devision, as well as notice dated 27.7.2019 issued by the Certificate Officer, Saharsa on 18.3.2019 whereby where under the A.I.G. Kosi Devision, Saharsa directed the petitioners to deposit insufficient stamp duty Rs.17,670/- with extra 10% Rs.1760 and the certificate officer,



Saharsa initiated the certificate proceeding against the petitioners of Rs.36,390/- (Thirty Six Thousand Nine Hundred thirty).

ii. For issuance of writ of mandamus for stay the proceeding of certificate case no. 13/19-20 initiated by District Certificate Officer, Saharsa forthwith.

iii. For grant of any other relief or reliefs which the petitioners may be found entitled by this Hon'ble Court.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, learned counsel for the petitioners, under instructions, states that the petitioners shall be content if the petitioners are permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum, including preferring a statutory appeal before the appellate authority, and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Mr. Vivek Prasad, learned GP-7, states that if such an application/appeal is filed within a period of four weeks from today, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioners have been pursuing remedies before this Hon'ble Court.



Statement accepted and taken on record.

The petition is disposed of as withdrawn with the liberty aforesaid.

It stands clarified that all issues of fact and law are left open to be agitated before the competent authority.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

DKS/KC

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