IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.721 of 2023

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Sanjay Kumar Singh Son of Shri Krishna Singh Resident of Village-Pokhrera, P.O.-Pokhrera, Police Station-Taraiya, District-Saran, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Inspector General of Registration, Bihar, Patna.
2. The Inspector General of Registration, Bihar, Patna.
3. The Assistant Inspector General of Registration, Saran Division, Chapra.
4. The District Registrar-Cum-Collector-Cum-District Magistrate, Saran.
5. The District Sub-Registrar, Chapra Registry Office, Saran.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gyan Prakash
For the Respondent/s : Mr.Vikash Kumar (Sc 11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 26-04-2023 The present writ petition has been filed seeking the following reliefs:-

> "1. For quashing memo no. 508 dated 9.7.2022, issued by the Assistant Inspector General of Registration, Saran Division, Chapra on passing the order in Stamp Case No. 53 of 2022, directing the petitioner to deposit Rs. 51373 (Rs. 46702 of deficit Stamp and Rs.4671 of fine) within 60 days from the date of order failing which 5% per month interest on deficit Stamp will realize as well for quashing its consequential order as contained in letter no. 904 dated 18.7.2022 issued by the District Sub-Registrar, Saran directing him to deposit the above mentioned amount within 15

days failing which the certificate case proceeding will initiate.

(II). For holding that the reference made by the Registering Authority Under Section 47-A(1) of the Indian Stamp Act, 1899 (hereinafter the Act) on 13.05.2022 on the direction of the Assistant Inspector General of Registration, Saran Division Under Section 47-A(3) of the Act for examining the correctness of the market value of the land of the sale deed registered and delivered on 06.12.2019 is void, ab initio.

(III). For holding that the institution of Stamp Case No.53 of 2022 and issuance of notice to the petitioner on 30.05.2022 by the Assistant Inspector General of Registration, Saran Division Under Section 47-A(3) of the Act after two years of registration and delivery of sale deed dated 06.12.2019 is nullity and could not be sustained in the eye of law.

(IV). For holding that the order impugned passed by the Inspector General of Registration, Saran Division Under Section 47-A(3) of the Act is without jurisdiction as he is not notified to act as the Collector under the Act.

(V). For holding that the order impugned is nonest in the eye of law being vague non-speaking and not based on any evidence while determining the market value of the concern land and in gross violation of the provisions laid down in Rule-11 and 12 of the Bihar Stamp (Prevention of Under

> Valuation of Instrument) Rules, 1995 (hereinafter the Rules).
>
> (VI). For holding that the order impugned has passed ex parte in gross violation of Principle of natural justice and without affording the reasonable opportunity."

After some arguments, the learned counsel for the petitioner seeks to withdraw the present writ petition with liberty to file appeal under Section 47-A(3) of the Indian Stamp Act, 1899. Liberty, so sought, is granted.

It is needless to state that in case, appropriate appeal is filed within a period of four weeks from today, the appellate authority shall consider the same on merits, without being impeded by the issue of limitation and pass a reasoned and a speaking order, in accordance with law, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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