

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3745 of 2024

Chhote Lal Prasad Yadav, aged about 34 years, Male, Son of Rudal Prasad Yadav, Resident of Village-Majhauria, Dudh Chauri, Ratan Mala Mathia, P.S.-Majhauria, District-West Champaran and at Present Village-Madhukunj Nagar, Baswaria, Ward No.30, P.S.-Bettiah, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Department, Bihar, Patna.
2. The District Magistrate, West Champaran.
3. The Assistant Inspector General (Registration), Tirhut Division, Muzaffarpur.
4. The District Sub-Registrar, Bettiah, West Champaran.
5. The District Certificate Officer, West Champaran (Bettiah).
6. The Additional Collector-Cum-Certificate Officer, West Champaran, Bettiah, Bihar.
7. The Circle Officer, Nautan, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj, Advocate.
For the Respondent/s : Mr. Standing Counsel, 11.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 30-08-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“.....for issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent concern towards assessment/calculation of the Registration fee along with all the statutory fee/charges as per-prevailing M.V.R. of the land at material time and subsequently conclude the differential



amounts payable by the petitioner after nullifying the certificate proceeding as well as other connected proceeding as the petitioner is ready to pay the same without any further complication. The deficiency if any held at the time of Registration of the said piece of land, that might be due to ignorancy of calculation of Registration fee as per prevailing M.V.R. and not intentional rather the registering authorities are duty bound to make an inquiry regarding M.V.R. fixed and available on records before registration.”

3. In the counter affidavit filed by the Respondent Nos. 4 to 6, it is stated as against the order of the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, that the petitioner has an alternative and efficacious remedy of filing a stamp appeal before the Commissioner, Tirhut Division, Muzaffarpur under Section 47 A (4) of the Indian Stamp Act.

4. Having regard to the same, this Court is not inclined to entertain the present writ petition. The present writ petition is disposed of granting liberty to the petitioner to file a stamp appeal before the Commissioner concerned within a period of four weeks from today. On such appeal being made, the same shall be numbered and necessary orders passed on merits strictly in accordance with law.

5. It is needless to mention that before passing any



order the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the filing of the appeal by the petitioner. Any order passed shall be communicated to the party. Till such time, the stamp appeal is disposed of, the authorities are directed not to take any coercive steps against the petitioner. In case, the appeal is not filed by the petitioner, the authorities are free to take necessary action.

6. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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