

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5284 of 2024

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Sarita Kumari @ Sony Devi Wife of Vinay Kumar Verma @ Vinay Kumar,
permanent resident of Laxmipur Kachahari Tola, P.S. and P.O. - Turkauliya,
District- East Champaran, presently at present residing at Z- 78-A, Z-Block,
Dayal Sar Road, Uttam Nagar, West Delhi- 110059.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue,
Government of Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran.
3. The Additional District Magistrate, Motihari, East Champaran.
4. The Sub Registrar, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Adv. Mr. Anupam Raj, Adv. Mr. Aniket Singh, Adv.
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). That the instant writ application is being
filed for issuance of writ in the nature of
Certiorari for setting aside the order dated
02.12.2023 passed by Collector-cum-District
Magistrate, East Champaran, Motihari in Deficit
Stamp Case No. 16/2023-24, the petitioner has
been directed to pay additional stamp duty of Rs.
4,91,938/- within a period of 60 days without



appreciating the facts and circumstances of the petitioner's case and the Respondent Authorities have considered the agricultural land (do Fasla) purchased by the petitioner to be on the road side and thereby has added extra stamp duty.

(ii). For issuance of a writ in the nature of Mandamus directing and commanding the respondent authorities to reevaluate the nature of the land as per the Bihar Stamp (Prevention of under Valuation of Instrument), Rule 1995 and Amendment Rules, 2014, pursuant to which the land in question falls within the category of agriculture (do Fasla).”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 2.12.2023, passed by the Collector-cum-District Magistrate, East Champaran at Motihari, in Deficit Stamp Recovery Case No. 16 of 2023-24, by filing appropriate appeal under Section 47A(4) of the Indian Stamp Act, 1899, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that no coercive action shall be taken against the petitioner for realization of the deficit stamp fees for a period of four weeks from today, in order to enable the petitioner to file appropriate appeal and seek interim orders.



4. Accordingly, the present writ petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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