

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17064 of 2014

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Md. Kamruddin Son of Md. Fariduddin Resident of village - Hemjapur, P.S.
Amas, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Registraton, Government of Bihar, Patna.
2. The Inspector General of Registration, Department of Registration, Government of Bihar, Patna
3. The Assistant Inspector General of Registration, Magadh Division, Gaya
4. The District Registrar Cum District Magistrate, Gaya
5. The District Sub Registrar, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 19-06-2024 The present writ petition has been filed seeking the following reliefs:-

“1. That this is an application for setting aside the order dated 29.01.2014 passed by ex-parte by Assistant Inspector General of Registration, Magadh Division, Gaya passed in Reference Case no 19 of 2013 whereby, the proposal for recovery of short stamp of Rs. 2,23, 266/- in lieu of sale deed of a land (one crop land), measuring 51 decimal appertaining to Mauza Hamjapur, Thana no 451, Anchal-Amas, Ward No-X, Khata No. 304, 598, Khesra No. 1120, 1045 for an amount of Rs. 7,67,000/- whereas the District Sub Registrar after registration and without any notice has valued the land at Rs. 44,88,000/-



and thus as per valuation determined the stamp paid by the petitioner is short of Rs. 2,23,266/- and accordingly reference case no.19 of 2023 was filed against the petitioner and without serving any notice, the Assistant Inspector General of Registration, Magadh Division, Gaya passed the impugned order behind the back of this petitioner which is not sustainable in the eye of law and fit to be set aside. The petitioner further pray that during pendency of this writ application, the respondents be directed not to take any coercive step in pursuance of order dated 29.01.2014.”

2. At the outset, learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 29.01.2014, passed by the Assistant Inspector General Registration, Magadh Division, Gaya in Reference Case No.19 of 2013 by filing appropriate appeal under Section 47 A (4) of the Indian Stamp Act, 1899. Liberty so sought is granted.

3. 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, considering the fact that the present case was pending before this Court since last ten years and pass a reasoned and a speaking order, in accordance with law, forthwith.



4. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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