IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3279 of 2014

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Indrani Choudhary W/o Sri Bhudeo Prasad Choudhary Resident of Village- Tagepur, P.O and P.S- Jagdishpur, District- Bhagalpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Registration, Government of Bihar, Patna.
3. The Collector, Bhagalpur at Bhagalpur.
4. The District Sub- Registrar, Bhagalpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate
		Mr. Diwakar Upadhyay, Advocate
		Mr. Girish Pandey, Advocate
		Mr.Diwakar Upadhyaya, Advocate
For the Respondent/s	:	Mrs. Swapnil Kumar Singh, AC to GP-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

9 08-05-2024 The present writ petition has been filed seeking the following reliefs:-

> *"1. a) The order dated 21.01.2014, passed by the learned Collector, Bhagalpur in Misc. Case No. 68/13-14 (under section 38(2) Indian Stamp Act, 1899) and communicated to the petitioner through memo no. /DB No. 623 dared 21.01.2014, and whereby the petitioner has been directed to deposit Rs. 11,73,920/- of, so called deficit court fees Rs. 1,06,720/- plus ten times fine upon it, i.e. Rs. 10,67,200/- total Rs. 11,73,920/-, within fifteen days, may be quashed; and*

> *(b) This Hon'ble Court may further be pleased to quash the entire proceeding against the petitioner under the Indian Stamp Act, 1899, and hold and declare the entire proceeding as void ab-initio, beyond the jurisdiction and powers of the respondents and bad in law, including calling for the original sale deed from the petitioner, impounding the sale deed and thereafter imposing fine ten times upon the petitioner under the Indian Stamp Act, by the respondents."*

2. At the outset, the learned senior counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 21.01.2014 passed by the Collector, Bhagalpur in Misc. Case No. 68 of 2013-14 by filing appropriate appeal under Section 47A(4) of the Indian Stamp Act, 1899, however, seeks some protection during the interregnum period.

3. *Per contra*, the learned counsel for the respondents submits that in case the requisite Appeal is filed after complying with the statutory pre-requisites, within a stipulated period, as is fixed by this Court, the same would definitely be considered on merits.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file an appeal against the aforesaid order dated 21.01.2014, after complying with the statutory prescriptions and in case such an appeal is filed within a period of four weeks from today, the appellate authority shall examine the same on merits, without being impeded by the issue of limitation, in view of the fact that the petitioner has been pursuing the present writ petition since about last 10 years and pass a reasoned and a speaking order in accordance with law, within a period of eight weeks, thereafter, and till then no coercive action shall be taken against the petitioner for recovery of the deficit stamp duty.

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

(Mohit Kumar Shah, J)

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