

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12242 of 2024

Kiran Devi W/o Jaiprakash Prasad, Resident of Village-Kataha, P.S.-Motihari
Muffasil, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Inspector General, Registration, Vikash Bhawan, New Secretariat, Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. Assistant Inspector General Registration, Tirhut Division, Muzaffarpur.
4. The Collector cum District Registrar, Motihari, East Champaran.
5. Sub-Registrar, Motihari, East Champaran.
6. Auction Officer, Collectorate, Motihari, East Champaran.
7. District Treasury Officer Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar No.III, Adv.
For the Respondent/s	:	Mr.Government Pleader 22 Mr.Narendra Kumar Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-08-2024 1. The present writ petition has been filed for setting aside the order dated 06.04.2023, passed by the Ld. Court of Commissioner, Tirhut Division, Muzaffarpur in Stamp Appeal Case No.46 of 2023, by which the appeal filed by the petitioner has been dismissed on the ground of non deposit of 50 % of the payable deficit stamp duty.

2. The learned counsel for the petitioner submits that the petitioner is ready to pay 50 % of the payable deficit stamp duty, as assessed by the Assistant Inspector General, Registration, Tirhut Division, Muzaffarpur in Case No.35 of 2021-2022, vide order dated 04.01.2022, hence the Ld. Commissioner, Tirhut Division, Muzaffarpur be directed to accept the same and hear the appeal of the petitioner on merits.



3. Per contra the Ld. Counsel for the respondents submits that in case the petitioner deposits 50 % of the deficit stamp duty within a period of two weeks from today, there shall be no impediment for adjudging the appeal filed by the petitioner 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 deposit 50 % of the deficit stamp duty, as aforesaid, before the Ld. Commissioner, Tirhut Division, Muzaffarpur, within a period of two weeks from today, whereupon the Ld. Commissioner, Tirhut Division, Muzaffarpur shall hear the appeal of the petitioner on merits and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks thereafter, without being prejudiced by the order dated 06.04.2023, passed in Stamp Appeal Case No.46 of 2023, which shall stand automatically annulled, in case 50 % of the deficit stamp duty is deposited by the petitioner within a period of two weeks from today.

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

(Mohit Kumar Shah, J)

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