

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11514 of 2023

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Mohammad Amanullah Son of Late Mohammad Samanullah, Resident of Village- Babura, P.S- Bhabhua, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Inspector General of Registrar (Department of Registration Excise and Prohibition), Bihar, Patna.
3. The Collector-cum-District Magistrate, Kaimur (Bhabhua).
4. The District Sub, Registrar, Kaimur, Bhabhua.
5. The Circle Officer, Sadar, District Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 29-01-2024

Re. I.A. No. 1 of 2023

The present application has been filed for amendment and addition in the prayer made in the original writ application.

2. For the reasons mentioned in the interlocutory application, the same is allowed.

Re. C.W.J.C. No. 11514 of 2023

3. Heard the parties.

4. The present application has been filed for quashing the order dated 12.06.2023 passed by the Collector-cum-District Magistrate, Kaimur (Bhabhua) in Court Fee Appeal Case No. 17/2023, whereby and whereunder the District Magistrate, Kaimur, Bhabhua has held that the land in question is commer-



cial land having value of the sold land is Rs.17,40,000/- for which required court fee is Rs.1,04,400/- and deduction of deposited court fee, found deficit court fee of Rs.82800/- along-with fine of 10% thereon comes to Rs.91,080/- and accordingly the petitioner was directed to deposit the aforesaid deficit court fee with fine i.e. Rs. 91,000/- in State Bank of India, Bhabhua (Kaimur) branch through the challan. If the said amount would not be deposited within 60 days, 5% per month on deficit court fees has to be recovered from the petitioner and suitable legal action will be taken under Demand Recovery Act, 1914 and also for a direction to hold the aforesaid impugned order dated 12.06.2023 passed by the Collector-cum-District Magistrate, Kaimur (Bhabhua) in Court Fee Appeal Case No. 17/2023 is *non est* in the eye of law.

5. The petitioner further seeks relief that during pendency of this writ application, the respondents be restrained to take any coercive steps against the petitioner in this matter.

6. The petitioner has alternative remedy for filing an appeal against the order dated 12.06.2023 passed in Court Fee Appeal Case No. 17/2023 by the Collector, Kaimur at Bhabhua.

7. The appeal will lie to the Commissioner, Patna.

8. If the appeal is filed within 60 days from today then



the same shall be decided on merits by the Commissioner,
Patna.

9. The petitioner will also deposit 10% of the disputed
amount for hearing the appeal.

15. In the above, this application is disposed of.

(Sandeep Kumar, J)

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