

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12950 of 2023

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Vinay Kumar S/o Shiojee Mishra, R/o Jay Prakash Nagar, ITI Road No.2,
P.O. and P.S.-Muffasil Bettiah, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Prohibition, Excise and Registration Act, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Act, Government of Bihar, Patna.
3. The Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur.
4. The District Registration Officer, Bettiah, West Champaran.
5. The Commissioner, Tirhut Division, Muzaffarpur.
6. The District Sub Registrar, Bettiah, West Champaran.
7. The District Certificate Officer, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 29-01-2024 This is an application for quashing the ex-parte order dated 08.04.2022 passed in Case No. 15 of 2021-22 by the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur by which the petitioner has been directed to submit the bank challan after depositing the deficit stamp duty and the penalty, amount to Rs. 4,67,013/-.

2. The paragraph 12 of the writ petition reads as follows:-

“That it is humbly stated that a notice contained in Letter No. 2508 dated 24.11.2021 as contained in Form-2



was issued by the AIG, Tirhut Division, Muzaffarpur to the petitioner directing him to appear on 22.12.2021 at 11:30AM at Registry Officer, Muzaffarpur for presenting his case in Case No. 15/2021-22. However, the said notice has been sent through post on 02.02.2022 and 03.02.2022 i.e. after the date of hearing. Thus, the petitioner was never noticed so that he could appear and present his case. In fact the impugned order has been passed without providing any opportunity of hearing to the petitioner and as such the same is fit to be set aside on ground of non-compliance of Audi Alteram Partem.”

3. From reading of the paragraph 12 of the writ petition, it appears that the same has been replied by the State in the counter affidavit in general manner and it has not been given specific denial of paragraph 12 of the writ petition.

4. The impugned order dated 08.04.2022 passed in case no. 15 of 2021-22 is an ex-parte order without proper service of notice upon the petitioner and without hearing him and the order dated 08.04.2022 has been affirmed by the Commissioner, Tirhut Division, Muzaffarpur by order dated 08.05.2023 passed in Stamp Appeal Case No. 100 of 2022.

5. Since the original order is an ex-parte order and therefore the order dated 08.04.2022 passed in Case No. 15 of 2021-22 by the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur and the order dated 08.05.2023 passed in Stamp Appeal Case No. 100 of 2022 by the Commissioner, Tirhut Division, Muzaffarpur are hereby quashed.



6. The matter is remitted back to the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur for fresh hearing in accordance with law.

7. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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