

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3364 of 2020

1. Murari Mandal Son of Late Rameshwar Mandal Resident of Village- Jurli Goura, P.S.- Jagdioshpur, Distt- Bhagalpur.
2. Pintu Mandal Son represented through his legal guadian/Father namely Bechan Mandal Resident of Village- Jurli Goura, P.S.- Jagdioshpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Asst. I.G. Registration, Bihar, Patna.
4. The Asst. I.G. Registration, Bhagalpur Division, Bhagalpur.
5. The Sub Registrar, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC-11)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-11-2024

Though the present writ petition has been filed for quashing the order dated 06.01.2014, passed by the Assistant Inspector General Registration, Bhagalpur Division, Bhagalpur in connection with Reference Case No. 44 of 2013 and Reference Case No. 47 of 2013, as also the order dated 07.08.2019, passed by the learned Commissioner, Bhagalpur Division, Bhagalpur in connection with Stamp Appeal Case No. 01 of 2019-20, however, at the outset, the learned counsel for the petitioners submits that a lenient view of the matter be taken



inasmuch the appeal filed by the petitioners has been dismissed merely on the ground of delay, which has taken place in filing the appeal, despite the fact that the petitioners have already deposited 50% of the amount of deficit stamp duty, as has been directed to be paid vide order dated 06.01.2014, by the Assistant Inspector General Registration, Bhagalpur Division, Bhagalpur.

2. The learned counsel for the petitioners submits that since the petitioners are poor and illiterate persons, they were not having knowledge about the appellate forum to be approached, hence they had, under wrong advise, filed a petition before the Public Grievance Redressal Officer, Bhagalpur, however, the same was dismissed by an order dated 21.05.2018, whereafter the petitioners were advised to file appeal and then they had filed the aforesaid Stamp Appeal Case No. 01 of 2019-20 in the year 2019 itself, hence a sympathetic view be taken and the matter be remanded back to the learned Commissioner, Bhagalpur Division, Bhagalpur for hearing of the appeal on merits, especially in view of the fact that the petitioners have already deposited 50% of the amount of the deficit stamp duty, as has been directed to be deposited by the Assistant Inspector General Registration, Bhagalpur Division, Bhagalpur.

3. *Per contra*, the learned counsel for the respondent-



State submits that in case this Court so directs, the appeal filed by the petitioners shall be heard on merits.

4. Having regard to the facts and circumstances of the case, considering the equity prevailing in the present case and in the interest of justice, I deem it fit and proper to quash the order dated 07.08.2019, passed by the learned Commissioner, Bhagalpur Division, Bhagalpur and remand the matter back to him for consideration, afresh in accordance with law, and on merits.

5. It is needless to state that till the aforesaid appeal is adjudicated on merits by the learned Commissioner, Bhagalpur Division, Bhagalpur, no coercive action shall be taken against the petitioners.

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

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.11.2024
Transmission Date	N/A

