

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15342 of 2016

Phul Jha son of late Bitay Jha, resident of village- Bangaon, P.O- Bangaon,
P.S- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Inspector General Registration, Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Registrar-cum- Collector, Saharsa.
5. District Sub- Registrar, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Vivek Prasad- Gp7
Mr. Sanjay Kumar, A.C. to G.P.-7.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 09-07-2025 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The petitioner in the writ petition has prayed for
grant of following reliefs:-

(I) For issuance of a direction, order or an appropriate writ directing concerned respondent officials to return the amount of the petitioner of a sum of 69,186 Rs. (sixty Nine Thousand, one Hundred and eighty six rupees. Which was deposited by the petitioner as stamp and registration fee in the SBI Branch of Saharsa through the treasury Challan.

(II) For issuance of a declaration holding that the action on part of the concerned respondent authorities are blatant violations of principles of natural justice as well as the principles of equity.

(III) For any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the instant case.”

3. Learned counsel for the petitioner submits that the
case is squarely covered by the Judgment of this Court delivered



in the case of **Kumari Shivani Raj and Anr. vs. State of Bihar and Anr** passed in **C.W.J.C. No.15981 of 2014** wherein it has been held that the provision of Section 10 and 10A of the Indian Stamps Act and that the provisions governing the stamp paper as found in Section 50(2) of the Indian Stamp Act would not ipso facto apply to a challan in absence of any legislative intent. There is a specific limitation regarding usage of a stamp paper but there is no such restriction on usage of challan and relying upon this Judgment, learned counsel for the petitioner submits that the Challan of Rs.69,186/- may be refunded to the petitioner.

4. Learned counsel appearing for the respondents-State does not dispute the above legal position.

5. Under the aforesaid facts and circumstances and in view of the Judgment of this Court dated 21.04.2015 passed in C.W.J.C. No. 15381 of 2014 which squarely applies to the facts of this case, the writ application is allowed and the respondents are directed to refund the sum of Rs.69,186/- to the petitioner.

6. Accordingly, this writ application is allowed.

(Alok Kumar Sinha, J)

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