IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11172 of 2016

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Nityanand Kumar Son of Late Korelal Yadav R/o Village- Shankarpur, P.S.- Muffasil, District- Munger.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Registrar, Inspector General Munger, Division, Munger.
3. The District Magistrate, Munger.
4. The Registrar, Sub Registry, Munger.
5. The Registry Officer, Sub Registry, Munger.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Chand Yadav, Advocate

For the Respondent/s : Mr. Amar Nath Deo, SC-26.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

3 20-06-2025 Heard the parties.

2. The petitioner has filed the present writ application challenging the order dated 27.01.2016 passed by the Assistant Inspector General of Registration, Munger in Deficit Stamp Case No. 46 of 2015 whereby the Assistant Inspector General by exercising power under Section 47(A)(3) of the Indian Stamp Act, 1899 read with Bihar Amendment has directed the petitioner to deposit the deficient stamp duty.

3. Learned counsel for the petitioner fairly submits that similar issue has already been decided by this Court in the case of **Kundan Prasad Vs. State of Bihar & Ors. In C.W.J.C. No. 10231 of 2016** in which by judgment dated

25.04.2025, this Court was pleased to hold and observe as follows :-

> *"6. In view of the above and taking note of the judgments referred above, the present writ application is held to be not maintainable and it is accordingly disposed of giving liberty to the petitioner to file an appropriate appeal under Section 47-A(4) of the Indian Stamp Act read with Bihar Amendment before the Divisional Commissioner, Munger Division, Munger within a period of four weeks from the date of receipt or production of a copy of this order and while filing the appeal, the petitioner will deposit 50% of the deficit stamp duty amount in terms of Sub-Section (6) of Section 47-A, failing which the appeal would not be maintainable. So far as the point of limitation is concerned, the Divisional Commissioner, Munger shall decide the same in accordance with law by taking into account the period which has been exhausted by the petitioner on account of pendency of the present writ application."*

4. The petitioner, therefore, submits that since this case is squarely covered by the aforesaid Judgment, similar direction may kindly be issued.

5. This prayer being made by learned counsel for the petitioner is not objected by learned counsel appearing for the State of Bihar.

6. Considering the fact that the issue involved in the case is similar to the issue which has been considered and decided by this Court in the case of **Kundan Prasad Vs. State**

of Bihar in C.W.J.C. No. 10231 of 2016, this case is disposed of in terms of the said judgment by granting liberty to the petitioner to file an appropriate appeal under Section 47 (A)(4) of Indian Stamp Act read with Bihar Amendment before the Divisional Commissioner, Munger within a period of eight weeks from the date of production of a copy of this order and while filing the appeal, the petitioner will deposit 50% of the deficit stamp duty amount in terms of Sub-Section (6) of Section 47A, failing which the appeal would not be maintainable.

7. So far as the point of limitation is concerned, the Divisional Commissioner, Munger shall decide the same in accordance with law by taking into account the period which has been exhausted by the petitioner on account of pendency of the present writ application.

8. With the aforesaid liberty granted to the petitioner, the present writ application is disposed of.

(Alok Kumar Sinha, J)

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