

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15360 of 2024

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Rajiya Khatoon W/o Ajaz Ansari Resident of Village- Mansha Tola, P. S.-
Bettiah District- Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
2. The Inspector General of Registration, Prohibition Excise and Registration Department (Registration), Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The Assistant Inspector General of Registration, Prohibition Excise and Registration Department (Registration), Bihar, Patna.
5. The District Registrar-Cum-Collector-Cum- District Magistrate, West Champaran, Bettiah
6. The District Sub Registrar, Registration Office, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv Mr. Zainul Abedin, Adv
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-07-2025 1. Heard learned senior counsel for the petitioner and
learned GP-18.

2. The learned senior counsel for the petitioner
submits that petitioner had earlier moved this Court by filing
CWJC No. 8344 of 2023 with a prayer to quash the order dated
17-3-2023 passed by the Assistant Inspector General of
Registration, Tirhut Division at Muzaffarpur in Case No. 98 of
2022-23, whereby the petitioner was directed to deposit deficit
stamp worth of Rs. 18,79,724/- and Rs. 1,87,972/- as fine in



connection with registered Sale Deed No. 2987, Token No. 3137.

3. The learned senior counsel for the petitioner next submits that the order dated 17-3-2023 in Case No. 98 of 2022-23 was assailed in the aforesaid writ application on the ground that the said order was passed in complete breach of the principles of natural justice as the order in the aforesaid Case No. 98 of 2022-23 was passed on 17-3-2023 and the petitioner received the notice with respect to the case on 23-3-2023, i.e., after the order was passed, as such this Court by order dated 22-11-2023 in CWJC No. 8344 of 2023 set aside the order dated 17-3-2023 passed by the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur in Case No. 98 of 2022-23 and the matter was remitted back to the Commissioner, Tirhut Division, Muzaffarpur, Bihar, for a fresh decision in accordance with law after hearing the parties.

4. It is further submitted that petitioner, in compliance of the order dated 22-11-2023 in CWJC No. 8344 of 2023, filed Stamp Appeal Case No. 28 of 2024 in the court of Commissioner, Tirhut Division, Muzaffarpur against the order dated 17-3-2023 in Case No. 98 of 2022-23 passed by the Assistant Inspector General of Registration, Tirhut Division,



Muzaffarpur. The Commissioner, Tirhut Division, Muzaffarpur, after hearing the learned counsel for the parties by his order dated 28-3-2024 (Annexure-P/7), remanded the matter back to the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, for deciding the case afresh as the order dated 17-3-2024 was passed in complete breach of the principles of natural justice.

5. Learned senior counsel for the petitioner next submits that in terms of the order of remand dated 28-3-2024 in Stamp Appeal Case No. 28 of 2024, the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, again passed an order dated 13-7-2024, which is impugned in the instant writ application. It is further submitted that the order impugned in the instant writ application has been passed without hearing the petitioner. It is also submitted that the Assistant Inspector General of Registration, Tirhut Division, Muzaffarpur, has decided the case in a mechanical manner and has basically revived his earlier order.

6. The learned GP-18, Shri Raj Kishore Roy, submits that petitioner has rushed to this Court without availing her alternative remedy of appeal against the order impugned in the instant writ application before the Commissioner, Tirhut



Division, Muzaffarpur, on which the learned senior counsel appearing on behalf of the petitioner submits that during pendency of the writ application, a certificate case bearing Certificate Case No. 1 of 2024-25 has been initiated against the petitioner for recovering an amount of Rs. 24,13,432/- under Section 7 of Bihar and Orissa Public Demand Recovery Act, 1914.

7. After hearing the learned counsel for the parties, the Court is in complete agreement with the submission made by learned counsel appearing on behalf of the State that petitioner has rushed to this Court without availing her alternative remedy of appeal against the order impugned before the Commissioner, Tirhut Division, Muzaffarpur.

8. Accordingly, the writ application is disposed of with a liberty to the petitioner to file an appeal against the order impugned in the instant writ application before the Commissioner, Tirhut Division, Muzaffarpur, on or before 11-8-2025. In the event, if any appeal is filed by the petitioner against the order impugned in the instant writ application before the Commissioner, Tirhut Division, Muzaffarpur, on or before 11-8-2025, in that event the Commissioner, Tirhut Division, Muzaffarpur, shall consider and dispose of the same within a



period of three months from the date of filing of the appeal in accordance with law after giving proper opportunity of hearing to all concerned.

9. It is made clear that if issue of limitation will arise, the authority competent shall keep in mind that petitioner was pursuing her remedy before this Court since October, 2024.

10. It is further made clear that if no appeal is filed against the order impugned on or before 11-8-2025, in that event the Commissioner, Tirhut Division, Muzaffarpur, shall not be obliged to dispose of the appeal within the time frame as stipulated in the instant order.

11. It is also made clear that if any appeal is filed by the petitioner on or before 11-8-2025 against the order impugned, in that event all proceedings including the certificate case, shall remain stayed until the appeal is not decided by the Commissioner, Tirhut Division, Muzaffarpur.

(Satyavrat Verma, J)

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