

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8031 of 2013

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1. Sanjay Kumar Yadav @ Sanjay Yadav Son Of Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia
 2. Ajay Yadav @ Ajju Yadav Son Of Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia
 3. Munna Kumar Yadav @ Munna Yadav Son Of Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia
 4. Sumitra Devi @ Smt. Sulochana Devi D/O Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia
 5. Anokha Devi @ Smt. Anokhiya Devi D/O Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia
 6. Manokha Devi @ Kumari Manokhiya D/O Late Ragedan Yadav Resident Of Village- Maranga Tola Uphrail, P.O.- Khajanchi Hat, Distt.- Purnia

.... Petitioners.

Versus

1. Binod Yadav @ Vinod Kumar Yadav Son Of Shri Raghunath Prasad Yadav Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
2. Awadhesh Kumar Yadav Son Of Sri Raghunath Prasad Yadav Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
3. Smt. Shanti Devi W/O Sri Raghunath Prasad Yadav Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
4. Nagendra Choudhary Son Of Late Hari Mohan Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
5. Rani Devi D/O Late Hari Mohan Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
6. Most. Chandra Prabha Devi W/O Late Fanindra Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
7. Rajiv Kumar Son Of Late Fanindra Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
8. Smt. Pratibha Devi D/O Late Fanindra Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
9. Smt. Archana Devi D/O Late Fanindra Choudhary, W/O Sri Amit Kumar Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
10. Smt. Pushpa Devi D/O Late Fanindra Choudhary, W/O Sri Dhananjay Kumar Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
11. Smt. Sangeeta Devi D/O Late Fanindra Choudhary, W/O Sri Ramesh Kumar Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
12. Guriya Kumari D/O Late Fanindra Choudhary Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
13. Naresh Kumar Yadav S/O Late Bankelal Yadav Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
14. Smt. Devi D/O Late Bankalal Yadav, W/O Sri Khapra Yadav Resident Of Village- Maranga Bin Tola, P.S.- Maranga, District- Purnia

15. Smt. Parbate Devi D/O Late Bankelal Yadav, W/O Sri Nathuni Yadav Resident Of Village- Maranga Tola, Uphrail, P.S.- Khajanchi Hat, District- Purnia
16. Smt. Shakuntala Devi D/O Late Benkelal Yadav, W/O Sri Baidyanath Yadav Resident Of Village- Kokorha, P.S.- Bagnar, Distt.- Araria
17. Smt. Rukma Devi D/O Late Bankelal Yadav, W/O Sri Wakil Yadav Resident Of Village- Kakorha, P.S.- Bagnar, District- Araria
18. Most. Sita Devi W/O Late Ramesh Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
19. Yogesh Kumar Yadav Son Of Late Ramesh Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
20. Prabhat Kumar Yadav Son Of Late Ramesh Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
21. Brajesh Kumar Yadav Son Of Late Ramesh Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
22. Mukesh Kumar Yadav Son Of Late Ramesh Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia
23. Smt. Rekha Devi D/O Late Ramesh Yadav, W/O Sri Arun Kumar Yadav Resident Of Village- Uphrail, P.S.- Khajanchi Hat, Distt.- Purnia

.... Respondents.

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 12-03-2015 Heard Mr Sushanta Kumar Das, the learned
counsel for the petitioner.

Calling in question, the order dated 14.01.2013 passed by the learned court below deciding the objection to the valuation of the suit as raised by the defendant-petitioner, the present application under Article 227 of the Constitution of India has been filed.

The petitioner is defendant in the suit and has raised the objection to the valuation of the suit as made by the plaintiff. The suit has been filed for declaration of title by the

plaintiff on the basis of the three sale deeds dated 15.12.1965, 07.07.1993 and 08.07.1993 obtained by him. The suit has been filed in the year 1998. The objection by the defendant-petitioner to the valuation of the suit is that the plaintiff ought to have valued the suit property according to the prevailing market rate of those properties.

The learned counsel for the petitioner has submitted that the government has fixed the valuation of the land in accordance with which the stamp duty is charged at the time of registration and therefore the learned court below ought to have held that the suit should have been valued by the plaintiff according to the said valuation as fixed by the government.

After careful consideration of the matter and the submission on behalf of the petitioner, it is pellucid that the learned court below has come to the finding that the valuation put-forth by the plaintiff originally was not proper and thereafter the learned court below has held that the reasonable value according to the sale deeds would be Rs.19,500/- . Accordingly, the learned court below has also directed the office to submit fresh report in accordance with the enhanced valuation of the relief. The learned counsel for the petitioner has submitted that the sale deeds of the relevant period also show that the valuation of the suit property as

shown by the plaintiff or even fixed by the learned court below is not reasonable. This Court does not find substance in the submission in view of the settled principle that it is not the suit property which is valued but the relief which the plaintiff is required to value, and the ad valorem always means reasonable and not market value. As such there is no illegality in the impugned order.

Accordingly, the writ application is dismissed.

(V. Nath, J)

Nitesh/-

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