

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13128 of 2014

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1. Pankaj Kumar Sinha son of Sri Amarendra Kumar Sinha, resident of Nutan Vihar Apartment, P.S. Kankarbagh, District - Patna.
 2. Shailendra Shekhar Prakash son of Sri Om Prakash Singh, resident of Prakash Bhawan Chiryatand P.S. Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate-cum-Registrar, Patna.
3. The District Sub Registrar, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sajal Kumar Sinha, Advocate
For the Respondent/s : Mr. Lalit Kishore (PAAG)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-05-2015 Heard the parties.

The grievance of the petitioner is that though he presented the sale deed on 14.5.2013 for registration as per the minimum value rate prevalent on date but the same was refused to be registered by the District Sub Registrar, Patna on grounds that the valuation of the land had been enhanced with effect from 3:00 P.M. on 14.5.2013.

Mr. Sajal Kumar Sinha, learned counsel appearing on behalf of the petitioners submits that the sale deed was prepared, executed and presented as per the prevailing rate in the area and a mere change in circumstances after 3:00 P.M. would not act prejudicial so as to require him to pay the deficit stamp duty.

Learned counsel for the petitioners submits that the issue raised in this writ petition stands covered by a Bench of this Court reported in 2015(2) PLJR 220 (Sanjay Kumar Yadav vs. The State of Bihar & Ors.) wherein this Court while relying upon a decision rendered in the case of Aftab Alam vs. State of Bihar arising from CWJC No. 12923 of 2013 has upheld the claim set up by the petitioners to direct the District Sub Registrar, Patna to proceed with the registration of the instrument as per the old rate prevailing on the date of presentation i.e. 14.05.2013.

Mr. Hare Krishna Rai, learned A.C. to PAAG while filing his counter affidavit on behalf of the State, agrees to the legal position.

In the circumstances discussed, the writ petition is allowed in terms of the order passed by this Court in the case of Sanjay Kumar Yadav (supra) and with a direction to the District Sub Registrar, Patna to register the sale deed presented by the petitioners on 14.05.2013 on the basis of the old rate prevailing on the said date and not as per the new rate subject to any other objection / defect pointed out by the registering authority in accordance with law.

(Jyoti Saran, J)

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