

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17216 of 2014

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Ajit Kumar Singh son of Shri Bibhuti Pd. Singh residing in Mohalla Adarsh Colony, New Brahmipur P.S. - Ram Krishna Nagar District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Registration, Excise and Prohibition Govt. of Bihar.
2. District Magistrate cum District Registrar, Patna.
3. District Sub-Registrar, Patna.
4. I.G. Registration Bihar at Patna.
5. Radhe Mohan Prasad son of late Shanker Prasad resident of village - Khemnichak, P.S.- Ram Krishna Nagar, District-Patna, through his General Power of Attorney Holder Smt. Saroj Devi wife of Sri Yugeshwar Prasad Singh of village - Makhdumpur , P.S. - Ekangar Sarai, District - Nalanda, presently in Mohalla - Adarsh Colony, Bhagwat Nagar, P.S. - Agamkuan, District - Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ram Janam Maharaj, Advocate

For the Respondent/s : Mr. Lalit Kishore (PAAG)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-05-2015 Heard Mr. Ram Janam Maharaj, learned counsel for the petitioner and Mr. Ajay Kumar Sharma, Assisting Counsel to Principal Additional Advocate General for the State.

The limited relief prayed by the petitioner in this writ petition is to direct the Sub-Registrar, Patna to register the sale deed presented by the petitioner on 14.5.2013, a copy of which is present at Annexure-1 to the writ petition.

According to the petitioner the sale deed was complete in all respects and the stamp duty as well as registration fee have



also been deposited by the petitioner as per law prevalent on 14.5.2013 but it is on account of the fact that at 2:00 P.M. a circular was issued modifying the valuation of the area that the registration of the sale deed has been stayed requiring the petitioner to pay the differential stamp duty as per the enhanced value.

The issue raised by the writ petitioner stands covered by a Bench decision of this Court in C.W.J.C. No. 12923 of 2013 (Md. Aftab Alam & Anr. vs. The State of Bihar & Ors.) which in turn has been followed by this Court while considering an identical issue arising from CWJC No. 4160 of 2014 since reported in 2015 (2) PLJR 220 (Sanjay Kumar Yadav & ors. vs. The state of Bihar & ors.)

Mr. Sharma, learned counsel appearing for the respondents fairly concedes that the writ petition stands covered by the decision of this Court.

In view of the uncontested position reflecting as well as the law laid down by this Court in the case of Md. Aftab Alam (supra) as followed in the judgment reported in 2015(2) PLJR 220, the writ petition is allowed and the District Sub-Registrar, Patna is directed to register the sale deed of the petitioner, a copy of which is placed at Anenxure-3 to the writ petition without requiring the

petitioner to deposit any stamp duty as per the enhanced rates.

Such registration should be completed within four weeks of the receipt / production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

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