

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4160 of 2014

Sanjay Kumar Yadav, son of Late Jagdish Prasad Yadav, resident of 44/2, Neemtalla Ghat Road, P.S. Jora Bagan, Calcutta, West Bengal – 700006.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. District Sub-Registrar, Patna.
3. District Magistrate cum District Registrar, Patna.
4. I.G., Registration, Bihar.
5. Munni Lal Sinha, son of Late Amal Singh, resident of Gram Khabhaini, P.S. Rampur Chauram, P.S. Khabhaini, District Arwal.
6. Alok Kumar Singh, son of Sri Ashok Kumar Singh, resident of Gram Digha Ghat, Patna - 11, Police Station- Digha, Post Office - Digha Ghat, District – Patna.
7. Ram Pravesh Rai, son of Sri Ram Pukar Rai, resident of Mohalla- Nirala Nagar, Digha Ghat, P.S. Digha, P.O. Digha Ghat, District – Patna.
8. Mithilesh Kumar, son of Sri Tara Prasad, resident of Mohalla- Digha, Ashyana Road, Yaduvansi Nagar, Digha Ghat, Police Station - Digha, Post Office - Digha Ghat, District – Patna.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 4270 of 2014

Avinash Kumar, son of Mithlesh Kumar, resident of Parsa Bazar, Sameri Tola, Police Station - Parsa Bazar, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through The Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. District Sub Registrar, Patna.
3. District Magistrate cum District Registrar, Patna.
4. I.G., Registration, Bihar.
5. Kumari Shiwani Rai, daughter of Mithlesh Kumar, resident of Parsa Bazar, Sameri Tola, Police Station - Parsa Bazar, District – Patna.

.... Respondent/s

Appearance :

(In CWJC No. 4160 of 2014)

For the Petitioner/s : Mr. Abdul Aziz
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

(In CWJC No. 4270 of 2014)

For the Petitioner/s : Mr. Abdul Aziz
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-01-2015

Heard the parties.

Since the two writ petitions raise identical grievance hence they have been taken up together and have been heard with a view to their final disposal by way of this judgment.

The petitioner in CWJC No.4160 of 2014 has prayed for the following reliefs:

- (a) To issue an appropriate writ or direction commanding the Respondent District Sub-Registrar, Patna to register the deed of absolute sale dated 14.05.2013 executed four sale-deeds separately by the petitioner, in favour of private respondents no.5, 6, 7 & 8 which were presented for registration on the same date on the same valuation as mentioned in the said deeds which were the minimum estimated value of the property i.e. M.V.R. on the date of execution.
- (b) To grant any other relief or relief as may deem fit and proper.

Similarly the petitioner in CWJC No.4270 of 2014 has prayed for the following reliefs:

- (b) To issue an appropriate writ or direction commanding the Respondent District Sub-Registrar, Patna to register the deed of absolute sale dated 14.05.2013



executed four sale deeds separately by the petitioner, in favour of private respondent no.5, which were presented for registration on the same date on the same valuation as mentioned in the said deeds which were the minimum estimated value of the property i.e. M.V.R. on the date of execution.

- (b) To grant any other relief or reliefs as may deem fit and proper.

The reliefs prayed by the two petitioners are identical and it is their grievance that the sale-deeds executed by each of the petitioners in favour of the respective private respondents, were presented for registration on 14.5.2013 but in view of the public notice dated 14.5.2013, a copy of which is placed at Annexure-3 to the writ petition issued by the District Sub-Registrar, Patna whereby it was notified that all documents presented after 3.00 P.M. would be valued in terms of the New Minimum Valuation Register enforced in the district that the registration was refused.

It is the grievance of the petitioners that even when the sale-deeds were executed by the parties on 14.5.2013 and had been presented on 14.5.2013 itself before 3.00 P.M. yet by delaying the matter the District Sub-Registrar has refused to register the same, inter alia, on grounds that the valuation of the documents now has to be done in terms of the New Minimum Valuation

Register and the deficit stamp duty requires to be deposited.



Mr. Abdul Aziz, learned counsel appearing for the two petitioners has relied upon a Bench decision of this Court arising from CWJC No.12923 of 2013 (Md. Aftab Alam Vs. State) dated 16.1.2014 to submit that identical issue was raised before this Court and has drawn in favour of the writ petitioner and this Court has directed the District Sub-Registrar, Patna to register the document on the basis of the minimum value of the land prevailing on 14.5.2013 and not on the basis of the new value register. He submits that this Court on appreciation of the statutory provisions has held that it is the date on which the document has been executed by the two parties which is the determining factor. He thus submits that even otherwise since the documents were presented by the petitioners before 3.00P.M. on 14.5.2013 hence its registration could not be refused.

Learned counsel for the State would not dispute that the issue raised by the petitioners is in any manner distinct from the issue raised in the case of **Md. Aftab Alam** (supra).

I have heard Mr. Abdul Aziz, learned counsel appearing for the petitioners and Mr. Ajay Kumar Sharma, learned Assisting Counsel to Principal Additional Advocate General for the State.

The issue involved in these two writ petitions stands

concluded by the Bench decision of this Court rendered in the case of **Md. Aftab Alam vs. The State of Bihar** arising from CWJC No.12923 of 2013 and for the reasons assigned thereunder by the Bench, the present petitioners are also entitled to the reliefs prayed herein.

In the circumstances the District Sub-Registrar, Patna is directed to register the sale-deeds presented by the petitioners on 14.5.2013 on the basis of the old rate prevailing on the said date and not as per the new rates subject to any other objection/defect pointed out by the registering authority in accordance with law.

The writ petitions are allowed with the direction aforementioned.

(Jyoti Saran, J)

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