

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.377 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 24375 of 2013
Along with
Interlocutory Application No.1769 of 2015

- =====
1. The State of Bihar through the District Magistrate cum District Registrar, Ara, Bhojpur.
 2. The District Sub Registrar, Ara, Bhojpur.
 3. The Inspector of Registration Office, Patna, Bihar.

.... Respondents-Appellants

Versus

1. Ravi Kumar Singh, S/o Gayendra Singh, R/o Village Bakhorapur, P.S. Barhara, District Bhojpur.

.... Writ petitioner- Respondent

2. The Chairman cum Member, Board of Revenue, Bihar.
3. The Union of India through the Audit Team of Patna, Bihar.

.... respondents No. 1 and 5 in the writ petition-
Respondents

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Appearance :

For the Appellants : Mr. A. K. Keshri, A.A.G. XI
Mr. Ujjwal Kumar Sinha, A.C. to A.A.G. XI

For the Respondents : None.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 10-05-2016

Re.: Interlocutory Application No.1769 of 2015

The application is for condonation of delay of 77 days in
filing of the present appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is shown by the appellant to condone such delay. Consequently, the delay in filing of the present Letters Patent Appeal is condoned.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.377 of 2015

The challenge in the present appeal is to an order dated 08th September, 2014 passed by the learned Single Bench of this Court whereby an order dated 19th August 2013 passed by the Member, Board of Revenue was set aside.

2. Respondent No.1, writ applicant, purchased a plot measuring 12 kathas of land bearing Khata No.38(old) 792 (New), Khesra No.24(old) 1799 (New) from one Pravesh Singh, son of late Ganga Singh, resident of village Singhi, P.S. Ara stated to be within the Municipal limit of Ara. The sale deed was presented for registration before the District Sub Registrar on 2nd February, 2010. The Sub Registrar doubted the valuation reflected in the sale deed and referred the matter for consideration by the Collector under Section 47 A(1) of the Indian Stamp Act, 1899. The Collector passed an order on 24th February, 2010 upholding the valuation mentioned by the writ applicant and, thereafter, the sale deed was registered on 09th March, 2010. It was

during the order of revision against an order passed by the Collector, it was noticed that the sale deed has been executed in respect of irrigated land though the land was residential. To return such objection, the reliance was on a subsequent sale deeds executed by the writ applicant.

3. The learned Single Judge upheld the jurisdiction of the Member Board of Revenue under Section 56 of the Act to interfere with the order passed by the Collector. However, it was found that there was no material available with the Member, Board of Revenue to interfere with the process of valuation only the basis of subsequent sale deeds wherein the writ applicant has described the property as residential. It is the said part of the order which is subject matter of challenge in the present Letters Patent Appeal.

4. It is admitted by the learned counsel for the appellants that after purchase of the property in February, 2010, the writ applicant has executed five sale deeds from the month of June, 2010 to December, 2010. The said argument itself shows that the land purchased was a big chunk of land which was bifurcated into five parcels and sold by separate sale deeds. Thus, the nature of the land was changed from irrigated land to residential by effecting sale deeds by the writ applicant subsequently. Thus, the subsequent sale deeds could not be made basis for revision of the order passed by the Collector on 24.02.2010 returning the finding that the land is irrigated.

5. We do not find any error passed by the learned Single Bench which may warrant interference by this Court in the present intra court appeal. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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