

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7125 of 2013

Putun Devi Wife Of Sri Baidnath Rasm Resident Of Village - Anandi Chak, P.S. Nawhatta District Rohtas At Presently Residing At E/87 Sri Krishnapuri Rajesh Kumar Path Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division Patna
3. The District Magistrate, Patna
4. The Deputy Secretary in Charge Law Patna Collectorate Patna
5. The Registrar, Department of Cooperative, Govt. of Bihar, Gandhi Maidan Patna
6. The Peskar to the District Magistrate, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the State Mr. S.K. Sharma, G.A. 1
Ms. Shalini Paul AC to GA 1

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 08-02-2016

Heard Mr. S.K. Mishra for the petitioner and the G.A.

I for the State.

Aggrieved by the order passed by the Bihar Land Tribunal (Annexure-5) in BLT Case No. 49 of 2013 the present writ petition has been filed. Before approaching the Tribunal a writ petition was filed in this Court by the petitioner seeking a direction upon the authorities to accept the Chirkut and to release the sale deed dated 17.08.1995 presented after execution of the sale deed no.20.4086 with respect to a particular piece of plot. The writ petition was disposed of on 29.01.2013



(Annexure-6) enabling the petitioner to avail remedy before an appropriate forum. The petitioner moved the Tribunal wherein the impugned order was passed refusing to entertain the application. Basically, the grievance of the petitioner is against escalation of the valuation/value of the land for the purpose of registration. It is stated that against non release of the sale deed the petitioner had earlier approached the Divisional Commissioner which was entertained but subsequently in the year 2008 dismissed for non prosecution. The said case was later restored and remained pending until 11.11.2009 when the application was again dismissed for non prosecution.

Mr. Mishra, on going through the relevant provision of the Indian Stamps Act, 1899, has submitted that the forum chosen by the petitioner firstly to move before the Divisional Commissioner and later to move before the Bihar Land Tribunal was/were wrong. It is stated that against such determination of the value of the land and proper stamping of the documents a grievance can be raised before the Collector of the district who is authorized to examine the correctness of the said valuation/value of the land and pass consequential order.

Counsel for the State has also contended that the Divisional Commissioner shall have no jurisdiction in the

matter. The petitioner may approach the appropriate authority/forum for ventilation of his grievance as raised in this writ petition.

Mr. Mishra states that the petitioner would approach the Collector ventilating the grievance as raised in this writ petition with regard to the non release of the sale document by the Sub Registrar of the Registration presented by the petitioner.

The application stands disposed of permitting the petitioner to ventilate his grievance before the appropriate authority/forum in accordance with law. If any such application is filed, the competent authority shall examine the same and take appropriate decision and/or pass appropriate order expeditiously in accordance with law.

(Kishore Kumar Mandal, J)

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