IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22998 of 2013

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Bhagwan Singh Son Of Late Lakshman Singh Resident Of Village Bihari, P.S. and District Jamui

.... Petitioner/s

Versus

1. The State Of Bihar Through District Registrar Cum Collector, Jamui
2. Inspector General Of Registration, Bihar, Patna
3. Assistant Inspector General Of Registration, Govt. Of Bihar, Patna
4. District Registrar Cum Collector, Jamui
5. District Sub Registrar, Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Respondent/s : AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

9 01-02-2016 Heard Sri Prabhat Ranjan Singh, learned counsel for the petitioner and learned AC to GP No. 10.

The petitioner invoking writ jurisdiction of this court has primarily prayed for directing the respondents to return back the stamp duty and other miscellaneous expenses which was charged at the time of allowing prayer for rectification application of the petitioner in respect of arithmetical correction in a registered sale deed.

It is the case of the petitioner that he had transferred a piece of land through registered sale deed on 15.10.2011 to one Smt. Rina Singh. However, at the time of preparation of sale deed a typographical error had occurred and as such, in the said document in place of khata no. 184, it was incorrectly typed as

187 whereas, other details in respect of the land was correct such as, plot no., area and boundary of the land. Subsequently, after noticing the error the petitioner approached for allowing him to rectify the error. It was submitted by learned counsel for the petitioner that as per the provisions of the Bihar Registration Manual a meager amount was to be paid for such rectification but the petitioner was constrained to deposit the stamp duty as if a fresh registration was being effected. According to learned counsel for the petitioner the petitioner was forced to deposit huge amount of registration to the tune of Rs. 1,50,000/- only thereafter, correction was effected. The petitioner thereafter filed detailed representation before the District Sub Registrar, District Sub Registry, Jamui regarding the refund of the amount which was forcibly obtained from the petitioner. Despite his vigorous persuasion he failed to get the amount refunded. Thereafter, the petitioner was constrained to file the present writ petition.

In the writ petition a counter affidavit has been filed on behalf of the respondent no.4 and 5 and a plea has been taken in the counter affidavit that by allowing such correction material change had taken place in the document. It was submitted by learned State Counsel that as per provision contained in Rule 393 of Chapter – 4 of the Bihar Registration Manual such rectification of document shall be termed as registration of new document for which the stamp duty has been collected in accordance with law.

Learned counsel for the State tried to persuade the court that by allowing such rectification material change has taken place whereas, the court is of the opinion that once in the document which was presented for registration plot no., area, boundary etc. of the land was correctly mentioned and only typographical error had occurred in respect of khata no. and in place of khata no. 184 it was typed as 187 certainly it may not be termed as material change. It was only typographical error and for such rectification stamp duty applicable for registration of new document was not required to be charged. Accordingly, the court is of the opinion that the writ petition can be allowed with a direction to the respondents to refund the excess amount received from the petitioner treating the correction as simple rectification. All the formalities must be completed within a period of three months from the date of receipt / production of a copy of this order.

The writ petition is allowed.

(Rakesh Kumar, J)

Praful/-

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