

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6286 of 2015

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Sunil Singh, son of Rajeshwar Prasad Singh, resident of village-Rampur Sindai, P.S. & P.O.-Barbigha, District-Sheikhpura. At present working as Ward Member of Barbigha Municipal Corporation Ward No.13, Barbigha, Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Land Revenue and Reforms.
2. The District Magistrate, Sheikhpura.
3. Additional/Assistant District Magistrate.
4. The Circle Officer, Barbigha Circle, Sheikhpura.
5. The Assistant Registrar, Sub-Registry, Barbigha.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Singh, Advocate

For the Respondent/s : Mr. Md. Nasheem Mukhtar, A.C. to A.A.G.-XII

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-12-2016

The petitioner has filed the present writ application in public interest raising the following grievance:-

- (i) Firstly that the nature of land is public land and as such no sale deed can be executed and
- (ii) Secondly that the stamp paid for those sale deeds is less than the notification made by the Government for the said land.



Earlier, the petitioner filed a writ application before this Court bearing CWJC No.18064 of 2012 which was decided on 26th September, 2012 with a direction to the District Magistrate to dispose of the representation filed by the petitioner in accordance with law. It is thereafter, an enquiry was conducted and the District Magistrate has passed an order on 5th December, 2014 rejecting the representation filed by the petitioner. It has been held that the land is not a public land, but is a *raiya* land. Thus, the State Government has no interest over the said land.

The petitioner is not challenging the order dated 5th December, 2014. It is conceded by the learned counsel for the petitioner that the said order addresses the first concern of the petitioner, but in respect of deficient stamp duty, the matter is still required to be investigated.

A perusal of the counter affidavit filed on behalf of respondent nos. 2, 3, 4 and 5 shows that 17 sale deeds of the said *raiya* land was executed in the year 2010. If that be so, the sale deeds cannot be examined bearing deficient stamp duty at this stage. In respect of deficient stamp duty, the Collector has got necessary powers to take steps for the recovery of the deficient stamp duty in terms of the Indian Stamp Act, 1899 as amended by the State of Bihar from time to time.



In view thereof, we do not find that the petitioner has any subsisting grievance which can be examined in the present writ application. The same is, thus, dismissed.

(Hemant Gupta, ACJ)

(Arvind Srivastava, J)

Sunil

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	19.12.2016
Transmission Date	

