

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14010 of 2013

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1. Anirudh Prasad Son Of Sri Jagarnath Prasad R/O Village - Nawadih,
P.S. Dehari (Indrapuri), Distt. Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. Chief Secretary, Government of Bihar, Patna
3. District Magistrate, Rohtas
4. District Sub - Registrar, Rohtas at Sasaram
5. Deputy Development Commissioner, Rohtas
6. S.D.O. Dehari, District Rohtas
7. Deputy Collector Land Reforms, Dehari, Distt. Rohtas
8. Anchal Adhikari, Dehari, Distt. Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman
For the State : Mr. Sunil Kumar, AC to AAG-6.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-03-2016 Heard the counsel for the petitioner and the State.

On going through the writ application, it appears the same is pristinely directed against the then Sub Registrar of the Registration Department. Paragraph nos. 8 and 9 of the writ petition read as under :-

“8. That it is stated that since 2.1.2013 District Sub Registrar used to charge 15% enhance valuation and till he has charged the same rate till 7.2.13 and with effect from he is charging 20% enhanced valuation though notification has taken place on 1.4.11 and till date he has to register the document at the said rate.

9. That it is stated that on 15.4.2013, he has notified the new rate at the Board and other public purposes stating therein that



now registration will be done at the rate of 85% enhanced rate which had been fixed on 1.4.11 in an arbitrary manner due to which petitioner and other villagers and adjacent villages have filed objection pointing out the illegality about the action of the District Sub Registrar. Petitioner has filed a representation on 29.4.13 before the District Sub Registrar Officer praying therein that proposed enhancement is against the government circular ignoring the market rate of the locality.”

In course of submission, it has been contended that the State respondents have arbitrarily enhanced the minimum value of the land/property located in village- Nawadih, in the District of Rohtas. Neither relevant pleadings in this regard have been made in the writ petition nor the legality of the Bihar Instruments Valuation Rules, 1991 framed under Section 75 of the Indian Stamp Act has been challenged. It is stated that against such arbitrary exercise of the Sub Registrar a representation has been filed before the District Collector which hitherto remained unnoticed. The writ application be disposed of by directing the Collector to examine the grievance of the petitioner as raised in the said representation .

The counsel for the State, on the other hand, submits that petitioner is not aggrieved by any action of the respondents. A general grievance is being raised. If the petitioner relies on

Section 47(A) of the Indian Stamp Act then under Sections 47A(4) and 47A(5), the matter can be agitated before the Divisional Commissioner.

Without opining any view on the claim of the petitioner, as presented through the writ petition, the writ application stands disposed of permitting the petitioner to pursue the representation which he has filed before the respondent District Collector for consideration and early disposal thereof in accordance with law. Petitioner shall also be at liberty to ventilate the grievance before the Divisional Commissioner, if need be, in accordance with law.

(Kishore Kumar Mandal, J)

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