

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16869 of 2016

=====

Arun Kumar Prasad Son of Shri Ramdeo Prasad, resident of Village-
Kusumpur Bakhri , P.O. + P.S.- Riga District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the I.G., Registration
2. The District Collector, Sitamarhi.
3. The District Sub-Registrar, Sitamarhi at Dumra

Respondent 1st Set

4. Smt. Pushpa Singh, wife of Sri Umesh Prasad Singh, resident of
Village- Belahi Jayram, P.S.- Sahiyara, District- Sitamarhi.

.... Respondent 2nd Set

=====

Appearance :

For the Petitioner/s : Mr. Yogendra Mishra, Advocate
Mr. Arvind Kumar Jha

For the Respondent/s : Mr. Anil Kumar Sinha-GA-1

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 31-10-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner's case is that an unusual demand for
payment of stamp duty of registration is being made with regard to
the documents presented for registration.

It is submitted by learned counsel appearing on behalf
of the petitioner that the land in question being S.P. No. 79 is
under the bed of a river known as Lakhandai. The nature of land is
a ditch which is about 13 feet below the surface land. Thus, the
stamp duty sought to be filed for registration of the same cannot
be as is being demanded by the Respondents. It is submitted that



the land is measuring only 12 decimals of land of the aforesaid S.P. No. 79 and an agreement has been executed with the owner of the land for Rs. 16,51,000/-. However, on enquiry, the Minimum Value Register (MVR) of the land which is situated in New Ward No. 23 under Sitamarhi Municipality has been fixed at Rs. 7,50,000/- per decimal as the location of the land has been situated on the Hospital Road. Learned counsel for the petitioner submits that the MVR which has been fixed by Annexure-2 is wholly illegal and arbitrary and even the ditch land in the bed of river has been valued at the same rate which has been fixed for surface land.

A counter affidavit has been filed in this case in which it has been submitted that the petitioner was required to obtain information about the MVR of the land in question before stepping into the negotiation for purchase of land and before signing the *Mahadanama* but without doing so the petitioner has now sought to upset the valuation and create a situation in which the land should be treated as being in a sea bed though it is situated on Hospital Road in Sitamarhi.

It is submitted that any change in the MVR cannot be made without further decision and notification of the Registration Department and for that reason the writ application is not maintainable.



It is further submitted that the MVR fixed for the present land is in effect from 01.02.2016 and any registration made thereafter has to be paid according to the instructions issued by the Department of Registration, Excise and Prohibition (Registration), Bihar, Patna, and cannot be otherwise.

Per contra, learned counsel for the petitioner submits that the valuation of the land has been fixed in an arbitrary manner and the land is situated in the bed of the river which is far away from either of the Hospital Road and Beach Road and no inspection was made by the alleged Committee rather the same has been prepared in an arbitrary manner. It is further submitted by learned counsel for the petitioner that a fresh enquiry should thus be conducted to ascertain the true status of the land and on the basis of its location and its present structure.

Be that as it may, since such issues relate to disputed questions of fact, this Court would not venture to entertain the application under Article 226 of the Constitution of India. However, in the interest of justice, it would be advisable that the Collector under Act make a fresh inspection in presence of the petitioner before registration of the documents which are being presented by the petitioner.

With the aforesaid observations, the writ application stands



disposed of.

(Anjana Mishra, J)

Saif/-

U			
---	--	--	--

