

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12055 of 2016

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Nidhi Kumari W/o Vishwanath Sharma Resident of Village- Mathana alias Basua,
P.S.- Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner, Tirhut Division, Muzaffarpur.
3. Assistant Registration Inspector General, Tirhut Division, Muzaffarpur.
4. District Magistrate-cum-District Registrar, Muzaffarpur.
5. Deputy Collector, Land Reforms, East Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund

For the Respondent/s : Mr. AAG12- Ravindra Nath Dubey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 10-10-2017

Heard Mr. Anil Kumar Mukund, learned counsel for the
petitioner and learned counsel for the State.

2. The petitioner in this writ petition seeks quashing of
the order dated 18.04.2016 passed by the Commissioner, Tirhut
Division, Muzaffarpur by which the appeal of the petitioner against
the order of the Assistant Inspector General (Registration) passed in
Case No. 28/2013-14 dated 01.04.2015 is dismissed. The petitioner
further prayed to quash the order of the Assistant Inspector General
(Registration) who directed the petitioner to pay the deficit stamp of
Rs. 87,060/- and 10% fine thereof for concealment of facts at the time
of registration of the sale deed.



3. The petitioner purchased a homestead lands relating to Khata No. 148 and 420, Khesra No. 1691 and 1606 area 22 decimals situated in Village Basua from Nand Kishore Thakur through a registered sale deed dated 06.08.2011 on consideration of Rs. 1,76,000/-. The authority did not raise any objection for valuation of the lands subject matter of the sale deed, but later on younger brother of the husband of the petitioner filed a petition that the petitioner presented the sale deed showing the less value of the property and also concealed the nature of land. There was house on the aforesaid land before the date of execution of the sale deed. An enquiry was held and the Assistant Inspector General (Registration) found that there is a house on 1935 sqft. over the land standing from before the execution of the sale deed and, this fact was concealed by the vendee/the petitioner and accordingly the petitioner was directed to pay the deficit court fee i.e. Rs. 87,060/- with 10% fine thereof. The petitioner preferred appeal before the Commissioner and the same was also dismissed.

4. Mr. Anil Kumar Mukund, learned counsel for the petitioner submits that there is nothing on record to show before the Assistant Inspector General (Registration) and the Commissioner that there was house on the land purchased by the petitioner. The father of the petitioner executed a sale deed with regard to homestead land and



there was no house constructed over the land. There is no misrepresentation of fact before the Sub-Registrar at the time of registration of the sale deed, but from perusal of the records I find that on the complaint petition a thorough enquiry was held and it was found that there was a constructed house over 1935 sqft of land purchased by the petitioner from before execution of the sale deed in favour of the petitioner and petitioner knowingly well concealed this fact and showed less value of land and also concealed about the nature of land, therefore I do not find any ground to interfere in the orders.

5. Thus, the writ petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.10.2017
Transmission Date	NA

