

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2153 of 2019

Islamia Educational and Social Welfare Trust Siwan at M.M. Nagar Colony,
P.O. and P.S.- Siwan, District- Siwan through its Secretary Ansar Amin
Nomani, aged about 66 years, Gender- Male, Son of Late Md. Aminullah
Nomani, Resident of Mohalla- Naya Quila, Nawalpur, P.O. and P.S.- Siwan,
District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Member Board of Revenue Bihar, Patna.
3. The Chief Controlling Revenue Authority Board of Revenue, Department of Revenue and Land Reform, Government of Bihar, Patna.
4. The Assistant Inspector General of Registration, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
5. The Deputy Inspector General of Registration, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
6. The Commissioner, Saran Division, Saran.
7. The District Collector, Siwan
8. The District Sub- Registrar, Siwan District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Y.V. Giri, Sr. Advocate Mr. Ranjeet Kumar, Advocate
For the Respondents	:	Mr. Lalit Kishore, Advocate General Mr. Anil Kr. Sinha, GA-1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2019 Counsel for the petitioner is permitted to make

necessary correction in paragraph 1(i) of the petition in course

of the day.

Heard the parties.

In the present writ application, the petitioner has

prayed for setting aside the order dated 03.01.2019 passed by

learned Chairman-cum-Member Board of Revenue, Bihar, Patna

in Stamp Act Appeal No.29 of 2009, by which he has admitted



the case without deciding the preliminary objection raised by the petitioner. The petitioner has further prayed for issuance of direction upon the respondent Member Board of Revenue, Bihar, Patna to consider the petition dated 12.03.2010, whereby preliminary objection with maintainability of the Stamp Act Appeal No.29 of 2009 has been raised.

The matter is still pending before the Revisional Authority. A preliminary issue was raised on behalf of the writ petitioner, which is evident from order dated 07.12.2018 passed in Stamp Act Appeal No.29 of 2009. The Revisional Authority had fixed the preliminary issue to be decided on 03.01.2019. On the said date, the following order was passed, which is as follows :

“Ld. G.P. present. Ld. Lawyer for respondent present. Heard on the point of admission. I am inclined to admit it in view of the observation of the Honourable High Court, Patna. Case is admitted.

Put up on 15.01.2019 at 3.00 pm for hearing.”

The Revisional Authority decided to admit the case in view of the observations of the Hon’ble High Court passed on 10.04.2018 in L.P.A. No.962 of 2012.



It has been submitted on behalf of the Advocate General that the aforesaid proceeding has already been concluded and the order has been reserved by the Revisional Authority. It has further been submitted that no prejudice has been caused to the petitioner by order dated 03.01.2019.

Considering the submissions made by the learned Advocate General, the petitioner seeks permission to withdraw the present application with a liberty to challenge the final order passed in Stamp Act Appeal No.29 of 2009.

Permission is accorded.

The present writ application stands dismissed as withdrawn with the aforesaid liberty.

(Sudhir Singh, J)

Narendra/-

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