IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.161 of 2015

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Ravi Kumar Singh, Son of Sri Jyanendra Singh, Resident of Village - Bakhorapur, P.S- Barhara, Distt- Bhojpur.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum-District Registrar Ara Bhojpur.
3. The District Sub-Registrar Ara Bhojpur.
4. The Inspector of Registration Office Patna Bihar.
5. The Union of India through Audit Team Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Nath Sinha, Advocate
For the Respondent/s	:	Mr. Mritunjay Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 22-11-2019 The present writ petition has been filed for quashing the order dated 10.11.2014 passed in Registration Case No. 47 of 2013 by the Member, Board of Revenue whereby and whereunder the petitioner has been directed to pay the deficit stamp duty.

Learned counsel for the petitioner has pointed out that the sale deed of the land in question, appertaining to Mauja Singhi Balihar P.S. No. 247, Circle Ara Town old Khata No. 58, Khesra No. 220 ad-measuring 85.5 decimal of land, was registered on 29.01.2011, after depositing the deficit stamp duty, as directed to be deposited by the District Sub-Registrar, Bhojpur at Ara, however, on an appeal filed by the District Sub-

Registrar, Bhojpur, the Chairman-cum-Member Board of Revenue, Bihar, Patna by an order dated 10.11.2014, passed in Case No. 47 of 2013, based on a report of the audit team of the Accountant General, Bihar, Patna, has allowed the appeal and has directed to re-calculate the stamp-duty by treating the land in question to be falling under the residential category.

It is submitted by the learned counsel for the petitioner, at the outset, that pertaining to be same Mauja Singhi Balihar, wherein, also similarly situated purchaser of a plot had been saddled with the liability of paying deficit stamp duty, had approached this court by filing a writ petition bearing CWJC No. 24375 of 2013 and a coordinate Bench of this Court vide order dated 08.09.2014 has been pleased to allow the writ petition and quash the order dated 19.08.2013 passed by the Member, Board of Revenue in Registration Case No. 34 and 35 of 2013, which had also been passed on similar lines as has been done in the present case. It is further submitted that the aforesaid judgment dated 08.09.2014 has also been upheld by the learned Division Bench of this Court by a judgment dated 10.05.2016 passed in LPA No. 377 of 2015.

The aforesaid position, as existing in law as also on fact, is not disputed by the learned counsel for the State and it is submitted that the present case is squarely covered by the aforesaid judgments dated 08.09.2014 and 10.05.2016.

Having regard to the facts and circumstances of the present case and admission of the learned counsel for the State to the effect that the present case is squarely covered by the aforesaid order/judgment dated 08.09.2014 and 10.05.2016, I deem it fit and proper to allow the present writ petition and quash the order dated 10.11.2014, passed by the Chairman-cum-Member, Board of Revenue in Registration Case No. 47 of 2013.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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