

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1565 of 2017

In
Civil Writ Jurisdiction Case No.12055 of 2016

=====

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

... .. Appellant/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Anil Kumar Mukund, Adv.

For the Respondent/s : Mr.Pushkar Narayan Shahi -AAG 6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 08-01-2020 Heard learned counsel for the appellant and learned
counsel for the respondents.

This memo of appeal is directed against an order and
judgement dated 10.10.2017 passed in C.W.J.C. No.-
12055/2016 by a learned Single Judge of this Court who was
pleased to dismiss the writ on grounds of being devoid of merit.

The impugned judgement dated 10.10.2017 is re-
produced hereinunder in toto:

“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.”

Before us, it could not be pointed out as to how the findings returned by the learned Single Judge is not borne out from the record.

We find no perversity therein and as such, the appeal, being devoid of merit, is dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

U			
---	--	--	--

