

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8103 of 2021

Raj Kumar Singh Raja Construction Pvt. Ltd. through its Managing Director
Raj Kumar, S/o Prem Dhari Singh, Male, aged about 46 years, Resident of
House No.A16, Bank of India Colony, Indrapuri, Raja Bazar, Rukanpura, B.V.
College, Patna- 800014

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
2. The Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
3. The Additional Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
4. The Sub Registrar, District Registry Office, Sheikhpura.. Respondent 1st Set
5. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
6. The Additional Secretary Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
7. Assistant Director, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
8. District Magistrate cum Collector, Sheikhpura
9. Mineral Development Officer, Sheikhpura

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Kunal Tiwary, Advocate
For the Respondents	:	Mr. P. N. Shahi AAG 6
For Mines Department	:	Mr. Kumar Ravish, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 08-04-2021

Heard Mr. Kunal Tiwary, learned counsel appearing
on behalf of the petitioner, learned Mr. P.N. Shahi, Additional



Advocate General appearing on behalf of the State as well as learned counsel appearing on behalf of the Mines Department.

Petitioner approached the Sub-Registrar, District Registry Office, Sheikhpura (respondent no. 4) for registration of the document on payment of prevailing rate but the Sub-Registrar refused to register the document and demanded stamp duty at the rate of 6% and 2% on the entire auction amount.

Considering the fact that there is controversy whether the document should be registered as lease or otherwise is pending before the larger Bench of Nine-Judges of the Apex Court, the Court, in the facts and circumstances of the case, is inclined to dispose of the present writ application with a direction to Sub-Registrar, District Registry Office, Sheikhpura (respondent no. 4) to accept the documents for registration on the basis of fee prevalent. The differential amount between fee paid by the petitioner and the stamp duty claimed by respondent no. 4 shall be deposited by the petitioner by way of bank guarantee which shall ultimately abide by the final decision of the Apex Court comprising of Nine-Judge Bench. Necessary decision in this regard may be taken by respondent no. 4 at the earliest preferably within a maximum period of sixty days from the date of receipt/production of a copy of this order.



With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.04.2021
Transmission Date	N.A.

