IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7530 of 2015

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1. Arun Pradhan @ Arun Kumar Pradahan S/o Shri Dukhram Pradhan R/o vill. - Aahpur, P.O. Damodarpur, P.S. Beni Patti, District - Madhubani
2. Lalit Narayan Das S/o Churan Das R/o village - Jairal, P.S. Ararel via - Benipatti, Distt. - Madhubani

... ... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Commissioner Darbhanga Commissionary Distt. - Darbhanga
3. District Magistrate, Madhubani
4. Asst. Registrar Darbhanga Commissionary, Darbhanga
5. Commissioner Registrary Darbhanga Commissioner, Darbhanga
6. Registrar office of Sub - Registry office, Benipatti, Distt. - Madhubani

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajkumar Rajesh, Advocate
For the Respondent/s	:	Mr.Mujtabaul Haque, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-12-2022 The present writ petition has been filed seeking the following relief:-

> *"1. That the petitioners crave indulgence for issuance of a writ in the nature of mandamus directing to the Respondents authorities to accept the registry bearing Khata No.51 (old, 67395) New Khesra No. 2772 and 2773 (old), 5272 and 5273 (New) in the name of petitioners at the cost of required fee being agriculture valuation still existing accordance of Government record which has not been done by the Respondents Registrar in malafide, arbitrary and Whimsical manner by way of illegality by which petitioner become aggrieved."*

The respondents have filed a counter affidavit wherein it has been stated that after the deed was presented for registration, before the Sub-Registrar, Benipatti, District-Madhubani, the registry was carried out vide deed nos. 1228 and 1229, but subsequently, it was found that the land in question is a homestead land, however, the stamp duty has been paid as per the valuation made, treating the said land to be an agricultural land, hence, fresh assessment was made and Prapatra "क" dated 14.01.2014 was issued to the petitioners.

In view of the aforesaid, this Court finds that the grievance raised by the petitioners in the present writ petition, has stood redressed, inasmuch as the instrument in question has already been registered, however, in case the petitioners are aggrieved by any additional demand raised against them pertaining to deficit stamp duty, they are granted liberty to take recourse to such alternative remedies as are otherwise available under the law.

With the aforesaid observation and liberty, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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