

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15413 of 2016

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Md. Shakib S/o Md. Shoeb R/o Village - Choti Balia, P.S. - Balia, P.O.
Lakhminia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through I.G. Registration, Bihar, Patna.
2. Assistant I.G. Registration, Munger.
3. The Collector-cum-District Magistrate, Begusarai.
4. The District Sub-Registrar, Begusarai.
5. The Sub-Registrar, Balia, District -Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Advocate

For the Respondent/s : Mr. Dharendra Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 09-07-2025 Heard the parties.

2. The petitioner has prayed for grant of following
relief in the present writ application:

*“(i) For quashing the order dated
03.06.2016 passed by Assistant Inspector
General, Registration, Munger.*

*(ii) As a consequence quashing of
the communication dated 05.07.2016
contained in Memo No.158 passed by
respondent no.5.*

*(iii) And/or other order/orders
which the petitioner is entitled to.”*



3. Learned counsel for the petitioner submits that earlier also the petitioner had approached this Court vide CWJC No.14014 of 2013 for seeking the same relief, which was heard and disposed of on 13.10.2015 (Annexure-9), by which the earlier order of the Assistant Inspector General, Registration demanding deficit fee of Rs.2,10,600/- was set aside and the matter was remitted back to the Assistant Inspector General, Registration for fresh consideration. By the said order of this Court the petitioner was granted the liberty to take all possible pleas available under the law before the Assistant Inspector General, Registration.

4. After remittance of the matter before the Assistant Inspector General, Registration, the petitioner appeared before him and placed his reliance on “Khesra Classification” notified in Government records, which shows the land in question to be classified as an ‘agricultural land’. However, without dealing with this aspect of the matter the Assistant Inspector General has passed the impugned order treating the land in question to be of ‘residential category’ and thereafter reiterated the earlier imposition of deficit fee of Rs.2,10,600/-.

5. Per contra the learned counsel appearing for respondents-State submits that the order passed by the Assistant



Inspector General is proper and in accordance with law and hence the present writ application should be dismissed.

6. The 'Khesra Classification' which has been brought on record by way of Annexure-3 to the writ application was also produced before the Assistant Inspector General by the petitioner in support of his contention that the land belongs to agricultural category, but no reasons have been assigned in the impugned order as to why the land in question has been treated as residential purpose, except placing reliance on the report submitted by Sub-Registrar, Balia, which is at Annexure-B of the counter affidavit filed by the respondents-State.

7. This Court is of the view that so long as the classification of the land in question is shown to be of agricultural category in the Khesra Classification, which is not disputed by learned counsel appearing for respondents-State, the Assistant Inspector General should not have classified the land in question to be of residential category. Hence the demand for deficit of Rs.2,10,600/- is not proper and not in accordance with the 'Khesra Classification'.

8. In this view of the matter the impugned demand contained in letter dated 05.07.2016 of Rs.2,10,600/- passed by respondent no.4 is set aside and the writ application is



accordingly allowed. Consequently the respondent no.5 is
directed to register the land in question as per law.

(Alok Kumar Sinha, J)

Prakash Narayan

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