IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7654 of 2022

==

Ram Kumari Devi Wife of Vijay Kumar Yadav, Resident of Village- Pithwa Tola, Ward No. 12, P.O.- Usrahi, P.S.- Deodha, District- Madhubani, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Inspector General, Registrations, Department of Registration, Government of Bihar, Patna.
3. The Deputy Inspector General, Registrations, Department of Registration, Government of Bihar.
4. The Assistant Inspector General of Registration, Darbhanga Division, Darbhanga.
5. The District Sub Registrar, Madhubani.
6. The Sub Registrar, Jaynagar, District- Madhubani.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Sr. Advocate Mr.Shankar Kumar Choudhary, Advocate Mr. Amish Kumar, Advocate Mr. Aamir Hayat, Advocate Mr. Sidharth Aditya, Advocate
For the Respondent/s	:	Mr.Pawan Kumar (Ac To Ag)

==

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 11-11-2025 Heard Mr. Kaushal Kumar Jha, learned Senior Counsel for the petitioner and the State.

2. The present petition has been preferred for the following relief/s:

(i) for issuance of a writ in the nature of Certiorari or any other appropriate writ for quashing the order dated 07/03/2022 passed in Stamp Case No. 68/2021- 22 (District Sub

Registrar, Madhubani Vs. Smt. Ram Kumari Dev) by the Assistant Inspector General of Registration, Darbhanga Division, Darbhanga (hereinafter referred as "impugned order") whereby and whereunder, in exercise of Powers under Section 47-A (6) of Indian Stamp Act, 1899, nature of land of petitioner has been declared as residential land and its valuation has been assessed as Rs. 1,77,02,000 and consequently, petitioner has been directed to pay RS. 974,220 as deficit stamp duty on registration of Sale Deed No.2733 dated 24/03/2021- after deducting Rs. 87,900 which has been already paid her and furthermore, petitioner has been directed to pay penalty of Rs. 97,422 under section 47A(7) of Indian Stamp Act, 1899 for suppressing the nature of the land and contravening section 27 of the Indian Stamp Act, 1899. Petitioner has been directed to deposit a sum of Rs. 1,071, 643 (9,74,220+ 97,422=Rs. 10,71, 042). It has *been also stated that in case amount so indicated hereinabove is not deposited within 60 days, interest at the rate of 5% per month wild be levied. District Sub Registrar, Madhubani has been directed to initiate certificate proceeding for recovery of the amount in case same is not deposited within 60 day;*

(ii) for issuance of a writ in the nature of mandamus directing and commanding upon the respondent authorities to consider the nature of land of petitioner as Agricultural after considering the sale deeds and other contemporaneous evidence submitted by petitioner and existing revenue records and accept the stamp duty paid by petitioner at the time of registration of Sale deed vide Deed No.2733 dated 24/03/2021 pertaining ta Khata No. 922(old) Kheara No. 8716, 8475 (old), 10258 (New), Rakba 34.88 decimal & Khesra No. 10259 (New) Rakba 26.16 decimals= Total 61.04 decimal as

agricultural land;

(iii) for holding and declaring that the proposal submitted by District Sub-Registrar, Madhubani vide Sub-Registrar, Jay Nagar with regard to nature of land and valuation of the property and upheld vide impugned order dated 07/03/2022 by Assistant Inspector General, Registration, Dabhanga Division, Darbhanga, that the land purchased by petitioner is residential in nature and valuation of land is Rs. 1,77,02,120/- and on which stamp duty of Rs. 10,62,120/- would be payable is illegal and arbitrary and liable to set aside as same is not based upon contemporaneous evidence;

(iv) cost of this litigation.

3. At the outset, Mr. Jha has taken this Court to the supplementary affidavit filed on behalf of the petitioner to show that in view of the gazette notification dated 04.12.2024 issued by the Ministry of Road, Transport and Highways (Government of India) under section 3A(1) of the National Highways Act,

1956, some part of the land of the petitioner has been proposed to be acquired for the purpose of widening of NH-527B which passes through Madhubani district (14.894 Km to 53.133 Km). He further submits that the said notification itself shows that when the land in question is an agriculture land and in that view, the prime concern of the petitioner now stands vanished.

4. Learned State counsel submits that these facts have to be submitted before the Assistant Inspector General Registration, Darbhanga Division Darbhanga who shall look into the matter and pass an appropriate order.

5. The piece of land in the Madhubani district is/are as follows:

> ***"Mauza- Usarahi Deodha, Thana No. 14, Anchal-Jaynagar, bearing Khata No. 322(Old) Khesra No. 8716, 8475 (Old), 10258 (New), area- 34.88 decimal & Khesra No. 10259 (New), Rakba- 26.16 decimal=Total 61.04 decimal.***

6. The petitioner purchased the same in the year 2021 and the stamp duties were paid treating it to be an agricultural land. Subsequently, the respondents came to the conclusion that

the petitioner needs to pay additional stamp duty on the ground that it is not the agricultural land rather residential one.

7. In view of the new development that has taken place pursuant to the issuance of the gazette notification, with the consent of the parties, this Court directs that the petitioner shall be approaching the respondent no.4, the Assistant Inspector General Registration, Darbhanga Division, Darbhanga in next four weeks alongwith all the relevant documents including the gazette notification issued by the Government of India as recorded above.

8. In case, the petition is preferred in four weeks, the respondent no.4 in turn is duty bound to take up the matter and after hearing all the parties to take a decision preferably by 31.03.2026 keeping in mind the fact that the gazette notification has been issued on 04.12.2024 by the Ministry of Road, Transport and Highways (Government of India).

9. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Ravi/-

U			