

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5213 of 2016

1. Swaminath Prasad son of Sri Ramji Sah
2. Binod Kumar Prasad son of Sri Ramji Sah All residents of Vill. - Shivdah,
P.S. - Gautam Budh Nagar, Tarwara, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commission Saran Division at Chapra.
3. The Assistant Inspector General Registration, Saran Division at Chapra.
4. The District Magistrate, Chapra.
5. The District Sub Registrar, Siwan Sadar, Distt. Siwan.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 191 of 2016

Amlawati Devi W/o Sri Swaminath Prasad, R/o Village- Shivdah, P.S Gautam
Budh Nagar Tarwara District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commission Saran Division at Chapra.
3. The Assistant Inspector General Registration, Saran Division at Chapra.
4. The District Magistrate, Chapra.
5. The District Sub Registrar, Siwan Sadar, Distt.- Siwan.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5213 of 2016)

For the Petitioners : Md. Aslam Ansari, Advocate
For the State : Mr. Sarvesh Kumar Singh, AAG-13
: Mr. Ravi Kumar, AC to AAG-13

(In Civil Writ Jurisdiction Case No. 191 of 2016)

For the Petitioner : Md. Aslam Ansari, Advocate
For the State : Mr. Sunil Kr. Mandal, SC-3
: Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 26-06-2025 Heard learned counsel for the petitioners and learned



counsels for the Respondent-State.

2. The petitioners in the present writ application have prayed for grant of following reliefs:-

(A) A writ in the nature of certiorari for quashing the order dated 28.08.2015 passed by the Commissioner Saran Division at Chapra in stamp Appeal No. 178/2013 and the order dt. 20.02.2013 passed by learned. Assistant inspector General Registration Saran at Chapra in stamp case no. 43/2012, where by and where under the Commission Saran Division at Chapra has rejected the stamp appeal no. 178/2013 which was referred against order dt. 20.02.2013 passed by the Assistant inspector general Registration Chapra without considering the real facts of the case.

(B) A writ in the nature of mandamus commanding and directing the respondents concerned not to give effect the order dt. 28.08.2015 passed by the Commissioner Saran Division at Chapra and order dt. 26.2.2013 passed by Asstt. Inspector general registration Saran Division at



Chapra, till the disposal of the present writ application.

(C) Any other relief/s to which the petitioners are entitled in the facts and circumstances of this case.

3. Both the parties are submitting that the issue under consideration in the present writ application is squarely covered by a previous judgment of this Court passed in the case of ***Smt. Radhikha Devi Vs. The State of Bihar reported in 2007 (4) PLJR 375*** . Under similar facts, another judgment was delivered by this Court in the case of ***Prashant Kumar Mahensaria Vs. The State of Bihar through the Inspector General (Registration) Bihar & Ors. reported in 2019 (3) PLJR 1094***. Hence, learned counsel appearing for the petitioners prays that in light of these judgments which squarely apply to the facts of the present case, the orders impugned in the present writ application may be quashed and set aside and the writ application be allowed.

4. This prayer being made by the learned counsel for the petitioners is not opposed by the learned counsel for the Respondent-State.

5. As prayed for by learned counsel for the petitioners, relying on the aforesaid two judgments, the order dated 28.08.2015 passed by the Commissioner, Saran Division at



Chapra in Stamp Appeal No. 178/2013 and the order dated 26.02.2013 passed by the Assistant Inspector General) (Registration) Saran at Chapra in Stamp Case No. 43/2012 are quashed and set aside.

6. With the aforesaid observations and findings, the present writ application stands allowed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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