

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2376 of 2026

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Raman Kumar Singh Son of Late Ramji Singh, resident of village- Sukhasan Hall, ward no 09, p.s.- Madhepura, District- Madhepura at present Ward No.- 18, Main Road, Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Asst I.G. Registration, Madhepura Division, Madhepura.
4. The Sub Registrar, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Shweta
For the Respondent/s : Mr. U.S.S. Singh, GP(19)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioner and

learned counsel for the respondents.

2. The writ application has been filed for directing the respondent to carry out the rectification in the registered sale deed no.1869 dated 21.02.2018 which was executed in favour of the petitioner in compliance of the order dated 07.02.2018 passed in Title Execution Case No.09/2012 (arising out of Title Suit No.09/1994) passed by learned Sub Judge IV, Madhepura, whereby the learned Court below directed to carry out rectification which is in the nature of typographical error/ clerical mistake but the respondent Sub-Registrar, Madhepura sitting tight over the matter and the poor petitioner fighting for



delivery of possession over last 30 years which is erroneous and requires interference by the Hon'ble Court and/or pass such other appropriate relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that for carrying out rectification in the aforesaid registered sale deed, the court fee demanded is contrary to the law laid down by the Hon'ble Apex Court in *Baleshwar Mahto & Anr. vs. State of Bihar & Ors.*, reported in 2001 (49) BLJR 1809. Referring to paragraph 4 of the said judgment, it is submitted that such rectification can be carried out by the registering authority to correct errors/omissions in the document and corresponding revenue records. The relevant portion of the said judgment is extracted hereinbelow:—

4. Admittedly, provision has been made for rectification of a deed to rectify errors, omissions, or other defects which may have inadvertently crept into a document previously executed. In this context, reference may be made to Paragraph 393 of the Bihar Registration Manual, which reads as follows:-

“393. A rectification deed is, as the name itself indicates, a document which purports to rectify and error, omission or other defect which may have inadvertently crept into a document previously executed and it should be distinguished from a



document which purports to effect any material alteration in the terms of original document, in the latter case the second document constitutes per se separate document and is liable to stamp duty as an original document. The registration fee should be charged as on the original deeds and a note of rectification should be made against the true copy of the original deed in the register book. A rectification deed falling within the purview of the Section 4 (i.e. in the case of sale, mortgage or settlement) of the Indian Stamp Act is liable to duty of one rupee but the case of other rectification deeds i.e. deeds which rectify instruments which do not fall under the category of sale, mortgage or settlement, is different. A rectification deed on the latter kind except when it purports to effect any material change in the terms, especially in case of lease is liable to a stamp duty of annas twelve as an agreement.

Any alteration or addition made in the name of executant or claimant, nature of extent of interest transferred, consideration, any of the condition, or date of execution may be regarded as a material change.

A deed of rectification of cancellation or revocation is compulsorily or optionally registerable according to the nature of the original document the terms of which are rectified, cancelled or revoked. For statistical purposes such



a deed is to be grouped with miscellaneous documents.”

4. At this stage, learned counsel for the State submits that the petitioner may be directed to file a detailed application before the registering authority, referring to the aforesaid judgment, within a reasonable time.

5. Considering the aforesaid, the petitioner is directed to file an appropriate application before the registering authority, making reference to the judgment in *Baleshwar Mahto (supra)*, within a period of two weeks from today. Upon such filing, it is expected that the registering authority shall consider the same and take appropriate steps for necessary rectification, in accordance with law, within a period of six weeks thereafter, if the case of the petitioner falls within the parameters laid down in the aforesaid judgment.

6. With the aforesaid observation and directions, the writ application stands disposed of.

(Ajit Kumar, J)

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