

आदेश : क्रम सं०
और तारीख
1

आदेश और पदाधिकारी का हस्ताक्षर
2

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित
3

Board of Revenue, Bihar, Patna

Stamp Case No.- 29 of 2009

Dist.:- Siwan.

**PRESENT :- Sunil Kumar Singh, I.A.S.,
Chairman-Cum-Member.**

Dy. Inspector General of Registration - Petitioner/ Appellant

Versus

Islamia Education - Respondent/ Opp. Party

Appearance :

For the Petitioner : Shri Shambhu Prasad, G.P.

For the OP : Shri Ranjeet Kumar, Advocate.

ORDER

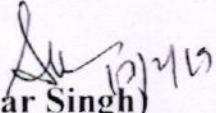
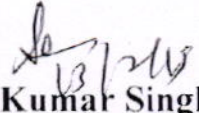
13.02.2019

This appeal has been filed by the Deputy Inspector General of Registration, Bihar, Patna against the order of the Collector, Siwan dated 26.12.2002 passed in Registration Casen No. 1/2002.

From perusal of the record it appears that this matter was put up before this court on 23.03.2010 when this court was informed that matter arising out of this case is pending for hearing before the Hon'ble High Court therefore this court did not pass any order on the point of admission.

The Ld. Lawyer for the respondent has filed an order of the Hon'ble High Court dated 10.04.2018 passed in LPA No. 962 of 2012 (CWJC No. 7782 of 2006) whereby the hon'ble High Court has observe - **"Since the matter whether or not issue can be reopen remains pending in Stamp Act appeal No. 29/2009 before the Chief Controlling Revenue Authority, Board of Revenue, Bihar as observed we reiterate to refrain from expressing any opinion thereon."**

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>In view of the spirit of order this case was heard on the point of admission and the same was admitted in view of the observation of the hon'ble High Court, Patna on 03.01.2019 and the case was fixed for hearing on 15.01.2019.</p> <p>On 15.01.2019 the Ld. Lawyer for the respondent prayed for time which was allowed and the case was fixed for hearing on 21.01.2019 giving last chance to the respondent to argue the case, but on that day also Ld. Lawyer for the respondent prayed for time again time was given and the case was fixed for final hearing on 28.01.2019. On 28.01.2019 the respondent was again absent. From perusal of the record it appears that the respondent has always been taking time. Therefore the Ld. G.P. for the appellant was heard.</p> <p>This court felt to call for a report from Collector, Siwan in respect to MVR of Muza Lakhmipur, Thana No. 231, Ward No. 23 for Siwan Urban Area in the year 2002. Since the document for registration related to that area and, the case was fixed for hearing on 05.02.2019.</p> <p>On 05.02.2019 Ld. G.P as well as the Ld. Lawyer for the respondent were present. The report in respect to MVR from Collector Siwan has been received.</p> <p>Heard parties and pursued the MVR sent by Collector Siwan.</p> <p>Written statement as directed by this court has been filed by G.P. and respondent.</p> <p>Since MVR was operative for Ward no. 23 of Siwan Urban Area there could have been no reason for the Collector to constitute a committee and to call for a report as to valuation of the land to be registered and there also could have been no reason for the Collector to fix any valuation other than MVR. The Collector has apparently Committed error and therefor his order dated 26.12.2002 passed in registration case no- 1/2002 is fit to be set aside and is set aside.</p>	

आदेश नं० कम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>The Collector, Siwan is directed to calculate the valuation of the land for fifteen document which were presented for registration as per the MVR and to realize the difference amount from the respondent.</p> <p>The Divisional Commissioner, Saran is directed to fix the responsibility against the person who has committed illegality and to take proper action against them in accordance with law.</p> <p>Dictated & Corrected</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  (Sunil Kumar Singh) Chairman-cum-Member Board of Revenue, Bihar. </div> <div style="text-align: center;">  (Sunil Kumar Singh) Chairman-cum-Member Board of Revenue, Bihar. </div> </div>	