

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8950 of 2015

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Meena, w/o Israile, resident of village Madhurapur, P.O. / P.S.
Madhurapur, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Khagaria
2. The Collector, Khagaria
3. The Sub Registrar, Khagaria
4. The Circle Officer, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 05-11-2015 Heard Sri Rakesh Chandra, learned counsel for the

petitioner and learned AC to AAG No. 8.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, has prayed for directing the respondents to register the sale deed which was presented by the petitioner on 12.12.2014 before the Sub Registrar, Khagaria.

Learned counsel for the petitioner submits that despite the fact that sale deed was presented in the month of December 2014, till date same has not been got registered. One way or the other the petitioner's right has been defeated.

In this case a counter affidavit has been filed on behalf of the respondent no. 1 to 4. Learned AC to AAG No. 8 by way

of referring to the statement made in the paragraph no. 7 of the counter affidavit submits that after presentation of the sale deed matter was enquired and as reported by the Circle Officer, the land mentioned in the said sale deed is Gairmajurua Khas Land, and as such, accordingly, it has not been registered. However, on record, there is nothing to suggest that any specific order has been passed or not.

In view of the facts and circumstances, without going into the merit of the case, the court proposes to dispose of the writ petition with an observation that the learned Sub Registrar may examine the matter and take final decision without any delay. It would be open to the concerned authority to proceed against the petitioner also, if there is material to suggest that the land which has been proposed to be transferred is a Government Land i.e. Gairmajurua Khas Land. In any event, whatever decision is to be taken, it must be taken preferably within a period of two months from the date of receipt / production of a copy of this order.

(Rakesh Kumar, J)

Praful/-

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