

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8048 of 2011

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Dr.Nagendra Prasad, son of Late ramsubhag Sah, resident of village – Chenari, P.O.
+ P.S. – Chenari, District – Rohtas

.... Petitioner/s

Versus

Ram Dayal Singh @ Dilar Singh, son of Sri Ramkrit Singh, resident of Village –
Lewa (Bichhi Banch), P O – Amaon, P S – Karamchat, District - Bhabua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAVI SHANKAR SAHAY

For the Respondent/s: Mr. RAJANI KANT PANDEY

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-07-2015

Heard counsel for the parties.

There seems to be obvious error in law committed by the court of Additional Munsif – II, Bhabua, in rejecting the petition of the petitioner under section 15(1) of the B. B. C. Act vide order dated 18.3.2011 in Title Suit No. 74 of 2007/146 of 2009.

Submission of the learned counsel for the petitioner seems to be correct. Even if there was an agreement to sell as has been alleged by the tenant, right, title or interest does not pass into the hands of the tenant. He will continue as tenant till the property is sold by a registered deed.

Rejection of the petition of the petitioner in view of the above is uncalled for.

The order dated 18.3.2011, contained in Annexure-1, is quashed. Writ application is allowed.



(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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