

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13140 of 2014

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1. Krishna Roy
2. Kameshwar Roy
Both sons of Late Gazadhar Roy Resident of New Punai Chak Boring
Canal Road near Harizan Thana, P.O. - Shastri Nagar, P.S. - Srikrishna Puri
in Town and District of Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Registrar cum District Magistrate, Patna.
3. Sub Registrar, Patna Registry Patna.
4. Baiju Roy son of Late Bahari Roy
5. Girzan Roy son of Late Bihari Roy @ Giriraj Roy.
6. Smt. Ahijanaki Devi wife of Late Ram Pravesh Roy.
7. Lall Mohan
8. Braj Bhushan
9. Lall Babu
All sons of Late Ram Pravesh Roy
10. Phulpatia Devi wife of Late Shobh Nath Roy
11. Harendra Kumar
12. Sri Mala Kumar
13. Ram Niwas Kumar
14. Hari Mala Kumar
All sons of Late Shobh Nath Roy
All resident of Village Sherpur, P.O. & P.S. - Maner in the District of
Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha
For the Respondent/s : AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 10-08-2015 Heard Sri Ashutosh Jha, learned counsel for the
petitioner and learned A.C. to Govt. Pleader – 26.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
quashing of an order dated 06-05-2014 passed by the District

Magistrate-cum-Registrar, Patna, whereby he has affirmed the order dated 24-01-1995 passed by the Sub-Registrar, Patna in Registration Case no. 03 of 1995. The Sub-Registrar by its order dated 24-01-1995 had declined to register sale-deed in absence of signature of one of the vendor.

Keeping in view the fact that under the provisions of the Registration Act, 1908, particularly; Section 77, in such situation, one can approach the court of civil jurisdiction, the Court is of the opinion that this Court may not interfere with the matter.

The writ petition stands disposed of granting liberty to the petitioner to avail statutory remedy.

It goes without saying that if the petitioner approaches the court of competent jurisdiction, the concerned court may not reject the petition on the ground of limitation. It may be decided on its own merit in accordance with law.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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