

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4576 of 2012

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Prem Chand Kumar son of Yadunandan Prasad, resident of village Pakri
Barma, Post office Pakri Barma, P.S. Pakari Barma, Dist-Nawada.
..... Petitioner/s

Versus

1. The State of Bihar
 2. The Collector Nawada
 3. The S.D.O. Nawada
 4. The Deputy Collector, Land Reforms Nawada
 5. The District Registrar Nawada
 6. Smt. Subila Devi wife of surendra Yadav, resident of village Pakri
Barma, Tola Bari Talab, P.S.Pakri Barma, Dist. Nalanda.
 7. Smt. Shanti Devi wife of Chotan sao. R/o village Pawamba, P.S.
Nawada (Kabriganj OP), Dist. Nawada.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj
For the Respondent/s : Mr. V.M.K Sinha Aag13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 01-12-2015 Heard.

The petitioner having obtained a sale deed in his
favour on 19.01.2011 from Shanti Devi has filed the present writ
petition calling in question the order dated 05.01.2012/01.02.2012,
passed by the District Magistrate-cum-District Registrar, Nawada
in Case No. 77(M) of 2011/32 (M) of 2012.

Smt. Shanti Devi (respondent no. 7) entered into a
contract for sale of a piece of land in favour of Smt. Subila Devi.
The document was executed by her. However, she refused to
appear before the Registrar at the time of registration. The Sub-
registrar declined to register the document. In such circumstance,



the respondent- Subila Devi filed an application under Section 75 of the Registration Act before the Registrar of the district. Having heard the parties to the said document, the District Registrar allowed the application and directed the Sub-Registrar to register the document. Against this order the present writ petition has been filed.

The case of the petitioner is that subsequent to refusal to register the document, the vendor (Shanti Devi) sold the land in his favour on 19.01.2011 and on the strength thereof he instituted proceedings for transfer/mutation of his name. The District Registrar has committed an illegality by not affording an opportunity of hearing to him.

Mr. Mrigendra Kumar appearing for the respondents has opposed the writ petition and urged that the petitioner has no locus standi to file the writ petition. He is not a party to the document which has been directed to be registered under the impugned order. After the order passed by the District Collector the document has already been registered. He has also referred to the provisions contained in Section 47 of the Transfer of Property Act as also Section 75 (3) of the Registration Act. Indisputably, upon registration of the document it shall relate back to the date when first duly presented for registration. That apart, the

petitioner, it appears, has purchased litigation. Materials on record convince me that the writ application at his instance is fit to be dismissed. I order accordingly.

The order present shall, however, not preclude the petitioner from approaching the appropriate forum for redressal of his grievance in accordance with law.

(Kishore Kumar Mandal, J)

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