

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16668 of 2012

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Anuradha Mehta @ Anuradha Mundkur D/o late Ravindranath Mehta, W/o Sri Valmik Mundkur, resident of Mehta Compound jail Road, Chandwara, Police Station Town, District Muzaffarpur at present residing at Block 36/201, Heritage City MG Road, Gurgaon, Haryana.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The Collector, Cum District Registrar, Sitamarhi
4. The District Sub Registrar, Sitamarhi

.... Respondent 1st set.

5. Shankar Sah son of late Fekan Sah, Resident of village Raipur Runnisaidpur, P.O. Runnisaidpur, P.S. runnisaidpur, District Sitamarhi.
6. Rajendra Sah son of Bharat Sah Resident of village Raipur Runnisaidpur, P.O. Runnisaidpur, P.S. Runnisaidpur, District Sitamarhi
7. Chandeshwar Sah son of Late Madan Sah Resident of village Raipur Runnisaidpur, P.O. Runnisaidpur, P.S. Runnisaidpur, District Sitamarhi
8. Smt. Deokali Devi @ Sunaini Devi wife of Surendra Prasad Yadav Resident of village Raipur Runnisaidpur, P.O. Runnisaidpur, P.S. Runnisaidpur, District Sitamarhi
9. Ram Baboo Mahto son of Satya Narain Mahto Resident of village Raipur Runnisaidpur, P.O. Runnisaidpur, P.S. Runnisaidpur, District Sitamarhi
10. Md. Anzar son of Md. Usman Resident of village Chak Donai, P.S. Runnisaidpur, Dist. Sitamarhi.
11. Md. Zamil Akhtar son of Nabi Bux Resident of village Chak Donai, P.S. Runnisaidpur, Dist. Sitamarhi.
12. Manish Kumar Singh son of Umesh Prasad Singh Resident of village Narha, P.S.Majorganj, Dist. Sitamarhi.

.... Respondent 2nd set.

13. Vijay Tahlani son of M.D.Tahlani resident of B/12 Dhuria Mohalla Madanpur Khadar, New Delhi-110044 A/P Runnisaidpur, P.O.+P.S. Runnisaidpur, Dist. Sitamarhi.

..... Respondents.

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Respondent/s : Mr. Avnish Nandan Sinha Gp11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

6 11-08-2015

Heard counsel for the petitioner, the respondent no.5

and the State.



The writ application has been filed to quash the order dated 05.12.2011 (Annexure-4) passed by the respondent-Commissioner, Tirhut Division in Misc. (Registration) case no. 04 of 2011 whereby the order dated 21.12.2010 passed by the Collector in Registration Appeal no. 44 of 2010 was interfered with and the Collector, Sitamarhi was directed to accept the entire sale deeds in -question. The dispute arises out of the proceeding taken up by the parties under the Registration Act, 1908 (for short 'the Act'). The District Sub Registrar did not register the document presented by the respondent no.13. Aggrieved thereby an appeal was preferred before the District Registrar who by order dated 21.12.2010 affirmed the said order assigning reasons therefor. Aggrieved by the aforesaid order the respondent second set filed Misc. (Registration) case no. 04 of 2011 to assail the order of refusal of registration before the Commissioner of Tirhut Division, Muzaffarpur on 17.1.2011 which was considered and disposed of by the impugned order .

The counsel for the contesting respondents submits that in the light of provisions of the Act the suit was filed by the respondent no.13 for directing the Sub Registrar to register the document of sale. The same was decreed on 8.5.2013. On these facts, it has been contended that the writ application has become

infructuous.

Per contra, the counsel for the petitioner has submitted that the said decree was passed ex parte and the petitioner herein has filed Misc. proceeding in the same court for setting aside the ex parte decree passed in favour of the contesting respondent in which the said respondent has already appeared. The said matter is pending consideration.

Be that as it may, considering the fact that a decree has now been passed in favour of the contesting respondent whereagainst a Misc. proceeding at the behest of the petitioner is pending, in my view, the contention of the respondent is well founded that the present writ application has lost its relevance and, in fact, has become infructuous.

I order accordingly.

(Kishore Kumar Mandal, J)

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