

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13949 of 2016

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Shankar Lal Sharma S/o Late Bajrang Sharma Resident of Mill Road, P.O. & P.S.-
Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, Khagaria at Khagaria
3. The Additional Collector, Khagaria.
4. The District Sub-Registrar, Khagaria at Khagaria
5. The Deputy Collector, Land Reforms, Kharia District Khagaria
6. The Circle Officer, Khagaria at Khagaria.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Agrawal

For the Respondent/s : Mr. SAJID SALIM KHAN, SC-25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-11-2016

Heard Mr. Alok Kumar Agrawal, learned counsel for the petitioner and Mr. Sajid Salim Khan, learned Standing Counsel No. 25 for the State.

A rather peculiar situation arises where a sale deed being presented before the Sub Registrar, Khagaria, respondent no. 4, is returned by him without assigning any reason.

The provisions of the Registration Act, 1980 (hereinafter referred to as 'the Act') cast certain obligation on the District Sub Registrar and Registrar as regarding registration of instruments so presented before them and in the present case a sale deed duly



executed by the parties, a copy of which has been placed on record vide Annexure-11 to the interlocutory application on 13.9.2016 encloses accompanying documents viz. the registration fee and the stamp duty, has simply been returned by the District Sub Registrar without assigning any reason. It is when the petitioner invokes the provisions of Right to Services Act that he receives an intimation that such action can be questioned by him before the appellate authority. This is strange. The law on registration is well settled and if the instrument so presented by the parties satisfies a requirements; it should normally be registered unless the District Sub Registrar has valid reasons for its refusal. The parameters for such refusal stands discussed in 'the Act' and well explained in the judgment of this Court since reported in **AIR 1989 Patna 144 (Bihar Deed Writers Association & Ors. vs. State of Bihar & Ors.)**. Insofar as the present case is concerned, the situation is extreme for neither there is any refusal nor any reason is assigned for returning the sale deed.

The petitioner claims to be the settlee from the ex-land lord and claims possession of the land in question since even before vesting and paying rent for its occupation with no objection being raised by any party. It is not in dispute rather admitted that the land is in the nature of *gair majarua khas* and the petitioner claims to be a settlee thereof in possession of rent receipts. In such circumstances, in

my opinion, there should ordinarily be no reason for a refusal of registration of the document in question but since there is nothing mentioned in the instrument so returned by the District Sub-Registrar, I would refrain from expressing any opinion thereon.

In the circumstances discussed, I deem it fit and proper to direct the petitioner to present the sale deed in question before the District Sub-Registrar, Khagaria who shall proceed to consider and take appropriate steps for registration thereof in accordance with law after satisfying himself on the same and in case he has reservation thereon, the same should be disposed of by a reasoned order to be passed within four weeks from the date of receipt / production of the sale deed together with a copy of this order, bearing in mind the statutory provisions as well as in consideration of the judgment of this Court rendered in the case of **Bihar Deed Writers Association** (supra).

I.A. No. 8507 of 2016 stands disposed of.

(Jyoti Saran, J)

S.Sb/-

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