

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22846 of 2013**

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1. Rajendra Kumar Sah Son Of Late Ram Chandra Sah Resident Of Village:  
Saligrami, Police Station: Sahabpur Kamal, District: Begusarai

.... .... Petitioner/s

Versus

1. The State Of Bihar Through District Magistrate, Begusarai  
2. The Sub Registrar, Bakhari, District: Begusarai  
3. The Circle Officer, Bakhari, Begusarai  
4. Govind Takriwal Son Of Late Ram Prasad Marwari Resident Of Village  
Shaligrami, P.S.: Sahebpur Kamal, District: Begusarai  
5. Raj Kishore Sah Son Of Ram Chandra Sahu Resident Of Village  
Shaligrami, P.S.: Sahebpur Kamal, District: Begusarai

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Achal Kumar Sinha

For the Respondent/s : Mr. Ajay Bihari Sinha, S.C.-19

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      05-07-2016      Heard the Counsel for the petitioner and the State.

Writ application has been presented with a grievance that the sale document presented by the petitioner in 2011 has not been registered by the respondents. Reason for not doing so is stated in paragraph nos. 7 and 8 of the writ petition.

A counter affidavit on behalf of the respondent nos. 1 to 3 is filed. Paragraphs 6 and 7 thereof read as under:

“6. That it is stated that the petitioner in collusion with his vendor executed a sale deed of the land which is Gair Mazarua Aam Jheel land, the land is Gair Mazarua Aam Jheel is in possession of the Government, so no body has any right, title and possession over the same, therefore, no body has any right to execute sale deeds of the said land. The area of Jheel is 455.96 Acres. It means the vendor has no right, title and possession over the same.

7. That it is important to mention here that in the sale deed it is itself mention that the land in under water and in southern boundary.

That the petitioner very cleverly filed the sale deed for registration, but when he knew that the authorities have come to know about the nature of the land, he left the deed as it is and did not press for registration and when the employee of registration department of that time have been transferred, then after two years he pressed for its registration and the same has been refused on the ground that the land is Gair Mazarua Aam Jheel, so the same cannot be registered.”

Considering the nature of land as recorded in the Revenue Records and the fact that the petitioner having presented the document in the year 2011, did not take any steps soon thereafter and approached the Court after much delay, I am not inclined to grant the application.

The writ application is dismissed. Dismissal of the application shall, however, not preclude the petitioner from availing any other remedy available to him in accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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