

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8808 of 2014

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Priyabrat son of Late Awadh Narain Singh resident of A - 41, Arendawan,
Apartment, Malahi Pakri, Kankarbagh, P.S. Kankarbagh, Distt. - Patna - 800020

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Patna
3. The Registrar, Department of Registration, Govt. of Bihar, Patna Collectorate, Patna
4. Ajay Agrawal son of Dr. Shishu Pal Ram Resident of Mohalla - Rajendra Nagar, P.S. Kadamkuan, Distt. - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Kumar, Advocate
For the Respondent/s : Mr. Binay Kumar, A.C. to S.C. X
For the Respondent Patna
Municipal Corporation : Mrs. Archana Palkar Khopde, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the parties.

2. The petitioner has approached this Court for the following reliefs :-

“ (i) For a direction to the respondent no. 2 for issuance of certificate to be produced before registrar respondent no. 3 for enforcing the registration of transfer of flat no. A-41, Vrindawan Apartment of owners share built on Plot no. 225, Khata No. 83, Mauza No. 174 “C” in Mauza Pakri Thana No. 25, P.S. Kankarbagh, within the district of Patna.

(ii) For a direction to the respondent no. 2 to accept the registration amount which had



already been deposited by petitioner on 14.05.2013, itself on the assurance of respondent no. 4 to sign the registration deed, however despite several requests the respondent no. 4 failed to sign the registered deed.

(iii) For any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

3. The matter was heard at length on various occasions and lastly a second supplementary counter affidavit has been filed on behalf of the respondent Patna Municipal Corporation in which at paragraph 7 it has been stated :

“7. That in the present case the land owner had executed sale deed in favour of the developer/promoter for construction of apartment. The flat in question is landowner’s share flat and therefore and is therefore included in the definition of developer/promoter as defined in sec. 3 (r) of the Bihar Apartment Ownership act 2006.”

4. In view of the aforesaid, learned counsel for the Patna Municipal Corporation fairly submitted that the request of the petitioner shall be considered and the case may be disposed off.

5. Learned counsel for the petitioner agrees to the same.

6. In view of the aforesaid, this writ application stands disposed off with a direction to the respondent no. 2 to ensure that all steps required to be taken are so done in terms of the stand taken in the counter affidavit and quoted hereinabove, within two months from



the date of production of a copy of this order before respondent no. 2.

(Ahsanuddin Amanullah, J)

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