

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.571 of 2016

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Ajay Kumar Shrivastava son of Late Gopal Lal, Resident of Village- Tiwain, P.O.-
Hata, P.S.- Chainpur, District- Kaimur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration,
Govt. of Bihar, Patna.
2. Inspector General, Registration, New Secretariat, Government of Bihar, Patna.
3. Asst. Inspector General, Registration, Patna Division, Registry Office, Patna
4. Collector, Kaimur at Bhabua.
5. District Registrar, Kaimur at Bhabua.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
For the Respondent/s : Mr. Sitaram Yadav, GP-16
Mr. Manoj Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-02-2017

Heard Mr. Prabhakar Singh, learned counsel appearing for
the petitioner and Mr. Sitaram Yadav, G.P-16, for the State.

The petitioner claims to be a vendee from the land owner
Uma Shankar Prasad and prays for a direction to the respondent no.5,
the District Registrar, Kaimur at Bhabhua for handing over the
registered sale deed dated 20.5.2014, which is being retained by the
respondents for no apparent reason.

According to the petitioner, his vendor got title and
possession over the land bearing Khata No. 221, Plot No. 562, Mauza
Bhabua, Thana No. 491, corresponding to Municipal Survey Plot No.
283, Khata No. 235, Ward No.22, having an area 1.30 acres on the



strength of the judgment and decree passed on 30.8.1977 in Title Appeal No. 11/1975 by the 2nd Addl. Sessions Judge, Arrah. A copy of the judgment has been brought on record vide Annexure 3 to the rejoinder. It is his case that following the decree, that the Circle Officer, Bhabua vide order passed on 21.2.1984 granted mutation to the ancestors of the petitioner in Mutation Case No. 218/1983-84. It is his case that the title and possession passed on to the vendors and from whom the petitioner has purchased 12 decimals of land in plot bearing Khata No. 221, Plot No. 562 corresponding to Municipal Khata No. 235, M.S.Plot No. 283 in Mauza Bhabua having the following boundaries:

North- Rest part of M.S.Plot No. 283

South- Rest part of M.S.Plot No. 283

East- Rest part of M.S.Plot No. 283

West- Road

It is his case that the sale deed was submitted on 20.5.2014 and was accepted as is manifest from Annexure 2, issued under the Right to Service Act. The sale deed was presented for registry vide Challan No. 12 dated 20.5.2014 with the stamp fee and registration fee of Rs.2,10,000/- and Rs.4,000/- respectively and was duly registered. The grievance is that when the petitioner on authorization by the vendor, went for collecting the sale deed that it has been



refused on one pretext or the other forcing the petitioner to come before this Court.

The counter affidavit is filed and in which a plea is taken that the nature of land is 'Sarwasadharan'. While the respondents do admit to the decree passed in Title Appeal No. 11/1975 as relied upon by the petitioner also and which judgment and decree clarifies the legal position in favour of the vendor of the petitioner as the land owner concerned, yet a strange objection is taken by the registering authority to hold on to the registered sale deed. Paragraph 8 of the counter affidavit explains it all. It is rather preposterous that even when the respondents do admit the legal position at paragraph 8 of the counter affidavit as also the fact that the land owners have succeeded in the title appeal in a decree passed more than 40 years back, yet the petitioner and his vendor have been subjected to such harassment.

Mr. Prabhakar Singh further informs that in the meanwhile the 'Chirkut' given by the vendor authorizing the petitioner to collect the sale deed has got misplaced and an application in this regard has not been acted upon, in view of pendency of the present matter. In my opinion, it is such conduct of the respondents which unnecessarily generates litigation and the present case is no exception. The legal position being admitted by the respondents, it is rather strange that the District Registrar, who also happens to be the Collector, allows such



matters to linger on, rather than bring it to a conclusion.

In the circumstances discussed and since the 'Chirkut' is not on record, I direct the District Registrar to issue appropriate orders for handing over the registered sale deed in question to the vendor of the sale deed or on his authorization, to the petitioner, within four weeks from the date of receipt/ production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2017
Transmission Date	NA

