

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4876 of 2016

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Raj Narain Rai Son of Late Pradeep Narain Rai, resident of village- Darba, P.S. Tajpur (Halai), District- Samastipur.

.... Petitioner/s

Versus

1. The Chief Secretary Govt. of Bihar, Patna.
2. Commissioner, Darbhanga.
3. District Magistrate, Samastipur.
4. Registrar, District Registry Office, Samastipur.
5. Sub Registrar, Dallsingh Sarai, Samastipur.
6. Abhishekh Kumar Rai, Son of Raj Narain Rai, at Village Darba (Methurapur), P.S.- Tajpur, District- Samastipur.
7. Surendra Rai Son of Late Anup Lal Rai, resident of Village- Methurapur, Darba, P.S.- Tajpur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the State : Mr. Prabhat Ranjan, A.C. to G.P. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

relief:

“I. To cancel the Registered Deed executed on 06.01.2016 vide Deed no. 271 by Abhishekh Kumar Rai (Respondent no. 6) in favour of Surendra Rai (Respondent no. 7).

II. To provide any other relief/reliefs for which the petitioner is entitled for.”

3. At the very outset, the Court has no hesitation to record that the writ petition is totally misconceived. The prayer to cancel a registered sale deed has to be agitated at the first instance



before the Civil Court of competent jurisdiction and not straightaway under the extraordinary, prerogative writ jurisdiction of the High Court under Article 226 of the Constitution of India.

4. In view thereof, the writ petition stands dismissed.

5. However, the same shall not prejudice or preclude the petitioner from moving before the appropriate forum, in accordance with law, for the relief sought for in the present writ application.

(Ahsanuddin Amanullah, J.)

P. Kumar

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