

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12383 of 2015

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Kishore Das, Son of Sri Upendra Das, Resident of Naya Punarwas (Bachhauta)
P.S.- Morkahi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Inspector General Registration, Bihar, Patna.
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate -cum-District Registration Officer, Khagaria.
5. The Sub-Registrar, Khagaria.
6. The D.C.L.R. Khagaria.
7. The Circle Officer, Khagaria, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghiv Ahsan, Sr. Advocate
Mr. Rajesh Sinha, Advocate
For the Respondent/s : Mr. Prashant Pratap, G.P. 6
Mr. Gyan Shankar, A.C. to G.P. 2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner had moved the Court for the following
relief:

“That, this application is for issuance of an appropriate writ(s)/order(s)/direction and thereby to issue a writ in the nature of Mandamus commanding the Respondent District Registrar as well as district Sub-Registrar, Khagaria to register the said Sale deed presented by the petitioner who has purchased a piece of land from Ramanand Singh son of Late Bindeshwari Prasad Singh before 7.1.2015 for an



area of 4 Bigha 4 katha 15 Dhurs as per the provision of Registration Act in spite of series of representation and inquiry report on the same in favour of the petitioner by the district authorities.”

3. In essence, the petitioner claims that the documents presented by him before the District Sub-Registrar in the nature of a sale deed in his favour be directed to be registered. The State has countered the relief claimed taking the ground that the land in question is not a private land but rather Government land for which there is sufficient proof available in the revenue records.

4. Learned counsel for the petitioner, on the basis of pleadings and materials on record tried to persuade the Court to come to a finding that the land is private and the sale deed being genuine, the District Sub-Registrar cannot refuse the same from being registered.

5. On the other hand, learned counsel for the State has also produced copies of various revenue records to indicate that the claim of the petitioner is not *bona fide*. Basically the issue is as to whether the Plot No. 2493 which is the subject matter of the present *lis* comes under Khata No. 494 or Khata No. 493. If the same falls under Khata No. 494, the petitioner does not have a case as the entire Khata is Government land whereas if the Plot comes under Khata No. 493, the petitioner may have a case as there are private lands



under such Khata.

6. The categorical stand of the State is that there is no Plot No. 2493 in Khata No. 493, whereas Plot No. 2493 is a Plot under Khata No. 494.

7. After hearing learned counsel for the parties at length, the Court finds that there are documents in support of both the sides but all the documents brought before the Court are not originals and some may also not be very legible. However, the Court cannot come to a conclusion in favour of either side. Under such circumstances, in view of there being a dispute which requires evidence to be taken and giving findings of fact, the Court in its present writ jurisdiction feels unable to embark on such exercise which would necessarily mean giving findings on facts based on entries recorded in various revenue records in favour of either of the parties.

8. This being the position, in the considered opinion of the Court, no relief can be granted to the petitioner in the present writ application. Accordingly, the same stands disposed off. However, the petitioner is at liberty to move before the Civil Court of competent jurisdiction for a declaration that the land which is sought to be transferred to him by sale deed, is a private land legally belonging to his vendor. Upon such declaration only, the District Sub-Registrar concerned would be required to act upon the sale deed presented



before him for being registered.

(Ahsanuddin Amanullah, J.)

P. Kumar

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