

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20322 of 2014

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1. Parasuram Yadav Son of Late Saral Yadav Resident of Village - Sahuli Tola
Faldudhiya, P.S. - Hussainganj, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Siwan
2. The District Sub-Registrar, Siwan
3. Kanti Devi, Daughter of Late Nirgun Yadav, Wife of Sri Ramchandra Yadav
Resident of Village - Sahuli Tola Faldudhiya, P.S. - Hussainganj, District - Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Dhurjati Prasad, GP 14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-02-2017

Heard Mr. Awadhesh Kumar Mishra, learned counsel for the
petitioner and Mr. Dhurjati Prasad, G.P.14 for the State.

The petitioner is aggrieved by the order dated 13.1.2004 of the
Sub Registrar whereby on non-appearance of the vendor, the deeds
have not been registered and which order has been confirmed by the
Collector when the statutory appeal of the petitioner bearing
Registration Appeal No.254 of 2004 has been dismissed on 5.9.2014.

Mr. Mishra learned counsel for the petitioner does admit that
though the deeds were presented on 13.9.2003 but the vendor was not
present on summons. He submits that despite receiving the
consideration amount the vendor did not choose to appear.

Contesting the arguments it is submitted by Mr. Prasad learned



State counsel that it is on non- appearance of the vendor on the date following the summons issued, the Sub Registrar had refused the registration and even in appeal the District Magistrate taking note of this fact has also observed that there is a dispute as regarding payment of consideration amount.

In the circumstances discussed and the disputed nature of the contest present herein and in view of the remedy so available to the petitioner under Section 77 of the Registration Act, I deem it proper to dispose of the writ petition with the liberty to the petitioner to avail of the remedy so available to him but in the nature of the contest advanced, the issue does not require indulgence in extraordinary exercise in the writ jurisdiction.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NA
CAV DATE	NA
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