

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23775 of 2013

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1. Raghvendra Kumar Singh Son Of Shri Laxmi Kant Singh Resident of Village- Kurtha Dih, Tola- Rana Nagar, P.O. and P.S.- Kurtha , District- Arwal.
 2. Kaushalendra Kumar, Son of Shri Laxmi Kant Singh, Resident of Village- Kurtha Dih, Tola- Rana Nagar, P.O. and P.S.- Kurtha , Distt. Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Learned District Magistrate and Collector, Arwal
3. Learned District Sub-registrar, Registration Office, Arwal.
4. Randhir Singh alias Shakeel, Son of Late Sukhdeo Singh, Resident of Village- Kurtha Dih, Tola- Ram Nagar, P.O. and P.S.- Kurtha , Distt. Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Nandan Prasad, Adv.
Mr. Satya Ranjan Sinha, Adv.

For the Respondent/s : Mr. Anil Kr Uapdhyay, SC-20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 17-02-2017 Heard the Parties.

The execution of the sale-deed has not taken place in absence of the parties to the deed. The order of the District Magistrate, Arwal impugned at Annexure-3 shows that on the date of compulsory registration none had appeared.

Mr. Ashok Nandan Prasad, learned counsel appearing for the petitioners informs that the vendor has since died. He submits that the vendor was alive on the date of execution of the deed but there is nothing on record to show whether the vendor had presented the document on the date of registration and was



present himself.

In the circumstances discussed above, where there is no definite proof regarding the presentation of the document by the vendor coupled with the fact that on the date fixed for compulsory registration none of the parties appeared as manifest from Annexure-3 and considering the important fact that the vendor in the meanwhile has died, no useful purpose would be served in the remand of the matter to the District Magistrate - cum- District Registrar, Arwal for consideration of the Compulsory Registration Case No.03/DM/2007-08.

The agreement now needs to be proved and even if the forum may be available to the petitioners under the civil law remedies, no interference is called for in the extraordinary writ jurisdiction.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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