

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2073 of 2017

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Nilofar Khan, Daughter of Md. Farid Khan and Wife of Md. Jahangir Khan,
resident of Deep Ganga Complex, Flat No. 301, Block- A, Ashok Raj Path, Police
Station- Pirbahore, in the town and District of Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of
Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Patna.
5. The Assistant Registrar, Co-operative Societies, Patna.
6. Switi Suman, Daughter of not known to the petitioner, posted as Registering
Officer, Sub Registry Office, Patna City in the District of Patna.
7. Alpa Aay Vargiya Sahkari Grih Nirman Samiti Limited, Patna a Society
registered under the Bihar and Orissa Co-operative Societies, Act (Bihar Act Vi
of 1935), bearing its registration no. 12/1982, having its registered office at East
Ashok Nagar, Patna- 800020 through its Secretary, namely, Shri Haridwar
Upadhyay.
8. Shri Haridwar Upadhyay, Son of Late Bindeshwari Upadhyay, resident of
R.M.S. Colony, P.S.- Kankarbagh, District- Patna. Working as Secretary of the
Alpa Aay Vargiya Sahkari Grih Nirman Samiti Limited, Patna- 20.
9. Jarina Akhtar, Daughter of Late Md. Abdul Mannan, resident of Mohalla-
Sultanganj, Police Station- Sultanganj, in the town and District of Patna.
10. Md. Salim, Son of Syed Abdul Aziz, resident of Mohalla- Narkatghat, Police
Station- Alamganj, District- Patna.
11. Kahkasa Aara, Wife of Md. Sharif Ahmed, resident of Mohalla- Sultanganj,
Police Station- Sultanganj, in the town and District of Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate
For the State : Mr. Ravi Bhardwaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the act of the private
respondents by which the plot allotted to her and transferred through
a registered sale deed has been cancelled by a deed of cancellation



and she has also been dispossessed of the land.

Learned counsel for the petitioner submitted that once a sale deed has been registered in her favour, the same could have been annulled only after following the due procedure prescribed in law which has not been done and, thus, based on an illegal act, the dispossession is also illegal. Learned counsel further submitted that for the said purpose, the petitioner had already moved the Registrar, Co-operative Societies on 14.06.2016 and her representation has been forwarded to the District Co-operative Officer, Patna for making an enquiry into the matter and taking appropriate action but till date nothing has been done.

Learned counsel for the State submitted that the complaint filed by the petitioner before the Registrar shall be promptly acted upon.

Having considered the aforesaid, the writ petition stands disposed off with a direction to the respondents no. 3, 4 and 5 to ensure that the complaint filed by the petitioner on 14.06.2016, copy of which is Annexure-P/4 to the writ petition, be considered and disposed off expeditiously, in accordance with law, within a period of three months from the date of production of a copy of this order before the concerned respondents. The concerned respondents shall give opportunity to all the parties before passing final orders



but the time schedule indicated by the Court shall be strictly adhered to. The authorities are directed to ensure that proper action is taken in the matter and further the order which may be passed by the authorities is also implemented within the next two months of passing of the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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