

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18447 of 2015

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Md. Murtuja S/o Late Md. Salim, resident of Village- Majum, P.S. Korha, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Registrar cum District Collector, Katihar, District- Katihar.
3. The Sub-Registrar, Katihar, District- Katihar.
4. The Sub-Divisional Officer Katihar, P.S. and District- Katihar.
5. Shankar Mandal. S/o Late Tulsi Mandal, resident of Village- Barmasia, Katihar, P.S. Katihar and District Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the State : Mr. Ajay Kumar Rastogi, A.A.G. 10
Mr. Parijat Saurav, A.C. to A.A.G. 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-11-2017

Nobody appears on behalf of the petitioner. Mr. Ajay Kumar Rastogi, learned AAG-10 has assisted the Court with regard to the issue involved.

2. The simple point which requires consideration in the present writ petition is whether the District Sub-Registrar can force the attendance of the petitioner who is the vendor in a sale deed which has also been executed by him and presented for registration. In view of the provisions of Sections 34 and 36 of the Registration Act, 1908 read with Rule 19 (xv) of the Bihar Registration Rules, 2008, the District Sub-Registrar, on the application filed, does have the power to call upon any person to appear before him with regard



to accepting the execution. To that extent, there cannot be any dispute in law and the person so summoned is obliged to appear before the District Sub- Registrar. However, it is a different story when it comes to the person taking a stand before the Sub-Registrar that a fraud has been played and that he has not been paid full consideration. Once that stand is taken, the District Sub-Registrar is not authorized to go ahead and overrule the objection as the said dispute can be decided only by a Civil Court of competent jurisdiction. Thus, to that extent, the District Sub- Registrar cannot force the person so summoned to accept the execution and he is at liberty to refuse on any ground which may be genuine and *bona fide*.

3. With the aforesaid observations, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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