

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16523 of 2014

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Hari Mohan Pandey Son of Late Mahendra Pandey Resident of Village - Turkahan Tola, P.S. & District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Registration, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
3. The Inspector General, Registrations, Department of Registration, Government of Bihar, Patna.
4. The Deputy Inspector General, Registrations, Department of Registration, Government of Bihar.
5. The District Registrar-cum-Collector, Gopalganj, District- Gopalganj.
6. The District Sub-Registrar, Registration Office, Gopalganj, District- Gopalganj.
7. Rameshwar Pandey Son of Not Known Resident of Not Known, presently Impostor Son of Late Ram Chandra Pandey, REsident of Village - Turkahan Tola, P.S. & District- Gopalganj.
8. Dharmendra Pandey Son of Devendra Nath Pandey Resident of Not Known, presently being represented as Legal Guardian of Rameshwar Pandey (Respondet No. &) impostor Son of Late Ram Chandra Pandey, Resident of Village - Turkahan Tola P.S. & District- Gopalganj.
9. Ram Ashish Pandey Son of Muneshwar Pandey Resident of Village - Sigaha Tola Tulasiyan, P.S. - Mirganj, District - Gopalganj.
10. Arun Kumar Mishra Son of Babban Mishra Resident of Village - Gausia, P.S. - Manjhagarh, District - Gopalganj.
11. Dev Rat Pandey Son of Chatra Dhari Pandey Resident of Village - Turkahan Tola, P.S. & District- Gopalganj.
12. Nagendra Kumar Singh Son of Satya Narayan Singh Resident of Village - Unknown, P.s. + District- Gopalganj.
13. Veer Bahadur Prasad Son of Kanhaiya Prasad Resident of Village - Amethi Kala, P.S. - Thawe, District- Gopalganj.
14. Sugreev Kumar Manjhi Son of Babu Lal Manjhi Resident of Village - Shekhparsa, P.S. - Manjhagarh, District- Gopalganj.
15. Harron Rashid Son of Md. Yasin Resident of Village - Takiya Yakoob, P.S. + District - Gopalganj.
16. Anand Mishra Son of Umesh Mishra Resident of Village - Bagahi Ramdas, P.S. - Kateya, District- Gopalganj.
17. Murli Dhar Pandey Son of Late Bindhyachal Pandey Resident of Village - Turkahan, P.S. & District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Advocate

For the State : Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-09-2017

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following
reliefs:

“ (a.) For quashing of the order communicated through Memo No. 1/M-174/2012-3507/Patna dated 30.10.2013 passed by Sri Shailendra Nath Singh, the Respondent No. 4 (Annexure-9).

(b.) And further for a direction to the Respondent Registration Authorities to initiate of fresh enquiry into the issues, raised by the Petitioner.

(c.) And further for a direction to the Respondent Authorities to take action and launch prosecution upon Resp. No. 7 to 16 and other persons, under Section 63 of the Registration Act, for violating the legal provisions as envisaged in the Registration Act.

(d.) And further for a direction to the Respondent Authorities for to take appropriate steps for the scraping of the Deeds/Power of Attorneys as enumerated in Para -13 of this writ application; owing to the fact that these Deeds /Power of attorneys has been prepared and registered in contravention to the section 34, 35 (3) (B) and Section 52 of the Registration Act.”

3. In view of the fact that the matter would require to be



gone into heavily on the basis of facts, which in the present proceeding cannot be appropriately done, the petitioner may move before the appropriate forum, in accordance with law, where the issues raised by him can be gone into after giving findings of fact upon evidence being adduced.

4. The Court would only observe that if the same is done, the concerned authorities/ forum shall go into the matter objectively without being prejudiced by the fact that this Court refused to interfere in the matter.

5. At this juncture, learned counsel for the petitioner drew the attention of the Court to communication by the respondent no. 4 to the petitioner and respondent no. 17 dated 30.10.2013, copy of which has been made Annexure-9 to the writ petition in which, despite there being allegation that the documents have been executed by some of the private respondents by committing fraud, the matter has been closed.

6. The Court, upon comparing the complaint made by the petitioner, copy of which has been made Annexure-6 to the writ petition, finds that the petitioner as well as the respondent no. 17 were co-complainants and the finding recorded relating to the respondent no. 17, being factually correct, the Court does not consider the communication dated 30.10.2013, to be either misconceived or



erroneous.

7. The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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