

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9290 of 2014

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Vijay Kumar Singh son of Sree Birendra Singh, resident of Village Sirsia, P.O. Jamo Bazar, District Siwan at present residing at Mohalla North East Patel Nagar, Opp. Narayan Villa Apartment, P.S. Kidwaipuri, District Patna.

.... Petitioner/s

Versus

- 1.The State of Bihar through Registrar Patna, Department of Registration, Bihar, Patna.
2. The Sub-Registrar, Patna , Department of Registration, Bihar, Patna
3. M/s Pari Construction and Developer, a partnership Firm, having etc. office at Mohalla Patel Nagar, Raod No. 2, P.s. Shashtri Nagar, District Patna through it Managing Partner, Smt. Prema Kumar Singh, Wife of Sree Chanchal Sinha.
4. Smt. Prema Kumari Singh, wife of Sri Chanchal Sinha, resident of Mohalla Bari Bakalpura, P.O. and P.S. Khagaul, District Patna, the Managing Partner, M/s Pari Construction and Developer, office of East Boring Canal Road, Road No. 2, P.S. Shashtri Nagar, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. K. Das, Advocate

For the State : Mr. Sahnkar Kumar Thakur, AC to GP 27

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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 relief:

“ That, the application is for appropriate writ, order and direction on the respondents to register the sale deed of the petitioner which the petitioner placed for registration before the respondent no. 2 on 14th May, 2013 after due paying of registration fee through chalan.”

3. Before going into the merits of the matter, the Court would like to deal with an area which is, according to the Court, is of utmost importance, i.e., maintaining the purity in judicial proceedings. Annexure-3 of the writ petition, which is purportedly copy of the deed of Absolute Sale executed by the respondent no. 4 in favour of the petitioner, on the last page only one witness has signed and he has appended the date as 14.05.2013, though at the end of the document, the person who has drafted it has also appended his signature but has put the date 13.05.2013. The Court deems it appropriate to reproduce the scanned copy which is as under:



VALUATION OF THE FLAT NO. 102 ON THE FIRST FLOOR:-

1. Super built-up area of Flat No. 102 on the First Floor is 1180 sq. ft.	Rs.23,37,000/-
2. Total land 2943.39 sq. ft.	
3. Total construction of the building 9440 sq. ft. Super built-up.	
4. Proportionate share of land 367.923 sq. ft. (0.845 Dec.)	Rs. 7,44,000/-
5. Car parking	Rs. 88,000/-

Total-	Rs.31,69,000/-

(Rupees Thirty One Lacs Sixty Nine Thousand) only.

IN WITNESS WHEREOF, the above named Developer/ Builder/ Vendor and the Vendee have put their respective signature on this deed of Absolute sale after going through the contents of the documents and fully understanding the implications of the transactions on this day, and year Ground above written, in presence of the below noted attesting witnesses.

WITNESSES:-

1. *Kant Singh*

14/05/13

S/o. B. B. Prasad

Rajshahi

Bahadurpatti Patna

2.

Prerna Kumari Singh

SIGNATURE OF
THE VENDOR/BUILDER
PAN-

SIGNATURE OF
THE VENDEE/ BUYER
PAN-

Typed by:
Umesh
(Umesh Prasad)
C.B.A., Patna

Umesh Singh
Drafted by:
(Umesh Singh)
Advocate

Victoriya Jubilee Club, Civil Court, Patna

4. Supplementary affidavit has also been filed on behalf of the petitioner in which there is again copy of Absolute Sale by the respondent no. 4 in favour of the petitioner. However, on the last page of the said deed, the same witness is witness no. 1 but the date is



missing and further there is signature at a different place of the petitioner and the date mentioned is 13.05.2013, the scanned copy of which is reproduced as under:

VALUATION OF THE FLAT NO. 102 ON THE FIRST FLOOR:-

1. Super built-up area of Flat No. 102 on the First Floor is 1180 sq. ft.	Rs.23,37,000/-
2. Total land 2943.39 sq. ft.	
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5. Car parking	Rs. 88,000/-
Total-	Rs.31,69,000/-

(Rupees Thirty One Lacs Sixty Nine Thousand) only.

IN WITNESS WHEREOF, the above named Developer/ Builder/ Vendor and the Vendee have put their respective signature on this deed of Absolute sale after going through the contents of the documents and fully understanding the implications of the transactions on this day, and year Ground above written, in presence of the below noted attesting witnesses.

WITNESSES:-

1. *Kavindra Kumar*
Adv.
S/o B.D. Prasad
R/o Raghurampur
Danapur Patna
Chandmari

SIGNATURE OF THE VENDOR/BUILDER
PAN- *Preeti Kumari Singh*
13-5-2013

2. *Umesh Singh*
Adv.
S/o Late Ram Chandra
R/o TRD Rly QN 93510
Lalchhapan B. Nagar
Patna

SIGNATURE OF THE VENDEE/BUYER
13.5.2013
PAN- CLEPS6238K

Typed by:
(Mukesh Prasad)
C.B.A., Patna

Drafted by:
(Umesh Singh)
Advocate
13.5.13
Victoriya Jubilee Club, Civil Court, Patna

5. The Court is really shocked at the conduct of the petitioner. It is clear that there were two documents prepared for the reason that in the copy of the first document, the witness has given the date as 14.05.2013 whereas in the second one the same is without any



date and *ex facie*, both the documents are different. A person bringing on record documents to indicate that the same is what the petitioner has produced before the authorities and in the present case the most vital factor being as to on which date the document was executed/presented, the first document indicating that the document was itself executed on 14.05.2013 whereas the second document indicating that it was executed on 13.05.2013, the Court has no hesitation to hold that a blatant and brazen attempt has been made to mislead the Court. The Court could have proceeded against the petitioner for such act, but refrains from doing so. However, for such conduct, the petitioner having tried to play fraud, and not coming to the Court with clean hands, the Court is not inclined to go into the merits and considers it to be a fit case for the writ petition to be dismissed with cost.

6. Accordingly, the writ petition stands dismissed with cost of Rs. 2,000/-, to be deposited with the Bihar State Legal Services Authority, Patna within one week from today and receipt filed in the Registry, failing which the matter shall be placed before the Bench for appropriate orders.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
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