

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5288 of 2018

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Dilip Kumar Singh, Son of Late Ram Ayodhya Singh, Resident of Village-
Bhaluhipur, P.S. Ara Nagar, District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary-Cum-Inspector General Department of Registration, Bihar, Patna.
2. The Inspector General Department of Registration, Bihar, Patna.
3. The District Registrar, Registration Office, Bhojpur.
4. The District Sub-Registrar, Registration Office, Jagdishpur, Bhojpur.
5. The Collector, Bhojpur.
6. The Additional Collector, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma

For the Respondent/s : Mr. Kumar Ravish, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 31-08-2018

Heard learned counsels for the parties.

The present writ application has been filed for quashing the order dated 22.02.2018, passed by Respondent No. 4, the District Sub-Registrar, Registration Office, Jagdishpur, which which has been handwritten at the top of the representation dated 01.02.2018, as contained in Annexure-7, whereby a blanket restraint on the sale/transfer of the land appertaining to Plot No. 712 under Khata No. 596 has been made.

It is submitted by the learned counsel for the petitioner that 2 Bighas, 13 Kathas, 8 Dhurs of land appertaining to Plot No. 712, Khata No. 596, situated in Mauza- Bihia were conveyed to Ram Ayodhya Singh, Ram Sewak Singh and



Krishna Kumar Singh through registered Sale Deed No. 6437 dated 13.11.1975. Petitioner is the son of late Ram Ayodhya Singh. Subsequently, there was memorandum of oral partition/family arrangement on 15.02.2015 between Ram Ayodhya Singh, Dr. Arvind Kumar Singh, son of original purchaser and Shri Krishna Kumar Singh. One of the brothers, namely, Krishna Kumar Singh relinquished his share in favour of the petitioner, who happens to be his nephew. The said oral partition was confirmed as final and became binding on all the parties.

In pursuance to the said relinquishment of 13 Kathas, 7 Dhurs of land made by the uncle of the petitioner, namely, Krishna Kumar Singh out of his allotted share of 21 Kathas, 12 Dhurs in favour of the petitioner, the petitioner filed Title Suit No. 73 of 2017 which was decreed against the legal heirs of his uncle Krishna Kumar Singh. Title Suit No. 167 of 2008 is pending between other co-sharers in which the land appertaining to Plot No. 712 under Khata No. 596 situated in Mauza- Bihia was not the subject matter from the very inception. The learned Sub-Judge-VII, Bhojpur at Ara granted injunction vide order dated 26.03.2010, passed in Title Suit No. 167 of 2008. Subsequently, an amendment application was filed



before the learned Sub-Judge in Title Suit No. 167 of 2008, wherein amendment was sought with regard to inclusion of only 11 Kathas, 3 Dhurs of land appertaining to Khata No.596, Plot No. 712 which was allowed.

Now the contention of the learned counsel for the petitioner is that though 11 Kathas, 3 Dhurs of land of Plot No. 712 has been included in the title suit, but the area for which the petitioner is having the decree, is not the subject matter of the title suit, but mechanically the learned Sub-Registrar has put a blanket ban on the sale/transfer of the entire area of 2 Bighas, 13 Kathas, 8 Dhurs of land of Plot No. 712. This fact was brought to the notice of learned Sub-Registrar, Jagdishpur vide representation dated 01.02.2018 as contained in Annexure-7, but without verifying the relevant records, the learned Sub-Registrar, passed an order on the representation of the petitioner, by recording it in writing on the top margin of the representation itself. It is submitted that the order is a cryptic order wherein it has been directed that the order passed in Title Suit No. 167 of 2008 has been received, whereby sale/transfer of the entire area of Plot No. 712 has been restrained. Hence, the petitioner, at present, confines his prayer for a direction to the Respondent No. 4, the District Sub-Registrar, Registration Office,



Jagdishpur to decide the issue after going through the order of the Civil Court passed in Title Suit No. 167 of 2008 as well as the compromise decree dated 23.12.2017 passed in favour of the petitioner in Title Suit No. 73 of 2017 within a time frame.

Learned counsel for the Respondent-State does not have any objection, if the confined prayer of learned counsel for the petitioner is allowed to the extent indicated above.

In the result, this writ application is disposed of with a direction to Respondent No. 4, the District Sub-Registrar, Registration Office, Jagdishpur to decide the issue after examining the orders passed in Title Suit No. 167 of 2008 and the compromise decree dated 23.12.2017 passed in Title Suit No. 73 of 2017, after giving due notice to all affected persons within a period of eight weeks from the date of receipt/production of a copy of this order.

(Dinesh Kumar Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

