

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19264 of 2018**

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Rinku Devi, Wife of Ashok Yadav, Resident of Village Baraila, P.S.  
Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the I.G. Registration Patna.
2. The Deputy Inspector General of Registration, Gaya, Bihar.
3. The Assistant Inspector General of Registration, Gaya, Bihar.
4. The District Sub-Registrar Department of Registration, Gaya Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranvijay Singh  
For the Respondent/s : Mr. Alok Kumar, AC to SC 5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      03-10-2018                      Heard learned counsels for the parties.

The present writ application has been filed for direction to respondents to issue original sale deed registered in favour of the petitioner in 2007 and further prayer has been made for quashing the order dated 17.04.2013 passed in Reference Case Nos. 03 of 2013 and 04 of 2013 by Assistant Inspector General, Registration, Magadh Division, Gaya as contained in Annxures 1 and 1/1.

It is submitted by learned counsel for the petitioner that the original sale deed has not been supplied to the petitioner till date and the Reference Case has been decided without any valid service of notice to the petitioner, though the order stipulates that the notices were issued to the petitioner. It is



further submitted that the petitioner was not aware about the impugned order passed in the said Reference cases, which has been challenged in the present writ application.

Since there is nothing on record to suggest that the petitioner represented before the Sub-Registrar, Gaya for obtaining the copy of the sale deed, the petitioner will be at liberty to file a representation before the Sub-Registrar, Gaya for obtaining the same whereupon the Sub-Registrar, Gaya will take appropriate decision on such application of the petitioner.

So far as impugned order dated 17.4.2013 is concerned, since it is appealable and it is well settled law that the discretionary jurisdiction under Article 226 of the Constitution of India is usually exercised when there is no efficacious alternative remedy available.

Since the impugned order is appealable, the petitioner is permitted to prefer appeal against the impugned order along with an application for condonation of delay within a period of three weeks from the date of receipt/production of a copy of this order. It is expected from the Appellate Authority to consider the application for condonation of delay, keeping in view the fact that the present writ application was pending before this Court and keeping in view the petitioner's claim that the notice was



not served upon him in Reference Case Nos. 03 of 2013 and 04 of 2013.

With the aforesaid, observation and direction this writ application is disposed of.

**(Dinesh Kumar Singh, J)**

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