

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.151 of 2016

In

Civil Writ Jurisdiction Case No.12726 of 2012

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1. The State Of Bihar through the Commissioner-cum-Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
 2. The Collector-cum-District Registrar, Munger, Munger Collectorate, Fort Area, Police Station- Kotwali, Post and District- Munger (Bihar)
 3. The Secretary-cum-Inspector, General of Registration Department of Registration, New Secretariat, Bihar, Patna.
 4. The Sub-Registrar, Munger, Sub-Registry Officer, Munger, Fort Area, Munger, Police Station- Kotwali, Post and District- Munger (Bihar)

... .. Appellant/s

Versus

Dr. Deo Prasoon son of Shree Ram Kumar Das, resident of DR. Prasoon Jaach Ghar, Minraiva Press Building, Narayan Dass Road, Police Station- Kotwali, Post and District- Munger (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar
For the Respondent/s	:	Mr. Mrigank Mauli
		Mr Nikhil Agrawal
		Ms Aditi Hansaria
		Mr Prince Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-01-2018

Heard counsel for the appellant, the State as well as the private respondent.

2. State is aggrieved by the order dated 21.10.2014 passed by the leaned Single Judge, who allowed the writ application of the private respondent and gave a direction to the State authorities that



they cannot refuse registration of the property in question keeping in mind the history of the possession of the land in question by the private respondent or his forefathers. The direction of the District Magistrate, Munger, which is letter no.226, dated 03.07.2013 creating an embargo, was also quashed and set aside.

3. The main thrust of the argument of the counsel for the State is that Tauzi No.1333 has been shown to be Kesar-E-Hind land and therefore, such land by nature cannot be alienated by any private person in favour of any third person. However, the finding of the learned Single Judge is that the land in question was a Petty Estate where State has settled the land in favour of Babu Deoniti Prasad Singh and way back in the year 1961 by registered sale deeds right, title and interest over the land was claimed by the private respondent. Mutation had been permitted. Payment of rent had been accepted. The problem or objection has been raised when the private respondent wanted to alienate the said land in favour of third party.

4. Keeping the history of the land in question, it is too late in the day for the State to assert its right on the ground that in their records the land was shown as Kesar-e-Hind. The other factual aspects cannot be ignored because the alienation was done in the year 1961, which means that almost 57 years have gone past and



the land has been used. Houses have been constructed and there has been no let and hindrance in the peaceful possession of the occupation of the property in question.

5. The Court is not inclined to interfere with the order in the given facts. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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