

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.330 of 2017

In
Civil Writ Jurisdiction Case No.11513 of 2013

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1 (a) Shashi Bhushan Prasad Sinha, S/o- Late Satya Nr. Singh (Husband of late Vijay Laxmi)

1 (b) Bharat Bhushan

1 (c) Manoj Kumar

Sons (Major) of Shashi Bhushan Prasad Sinha (sons of late Vijay Laxmi)

1 (d) Smita Kumari, Major daughter of Shashi Bhushan Prasad Sinha (daughter of late Vijay Laxmi)

All 1(a) to 1(d) are resident of village + P.O. - Nayagaon, P.S. - Parbatta District - Khagaria

... .. Appellant/s

Versus

1. The State Of Bihar through Secretary Department of Revenue, Government of Bihar, Patna.

2. Collector cum District Registrar, Patna, Patna Collectorate, Patna.

3. Sub-Registrar, Sadar, Patna Collectorate, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyendra Narayan Singh

For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

11 02-05-2018 Heard counsel for the appellant and counsel for the respondent.

The learned Single Judge has considered the issue in quite a detail and having based his decision on a Division Bench decision reported in 1998 (3) PLJR 552, which is the case of Rajdeep Singh Vs. State of Bihar & Ors., the writ application has been rightly dismissed. If there was failure on the part of the



executant to present himself and failure on his part to appear before the Registrar despite several summons and notices, refusal to register deed cannot be said to be illegal.

Dismissal of the writ application, however, does not leave the appellant remediless.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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