

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19223 of 2016

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Chandan Kumar, S/o Late Dinanath Prasad, Resident of village - Puraina,
P.S. Jogapatti, Distt. - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar, through Registrar General Registration, Secretariat,
Patna, Bihar
2. The Registrar General Registration, Secretariat, Patna
3. Sub Registrar District Sub Registry - East Champaran
4. The District Magistrate, West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate
For the Respondent/s : Mrs. Manisha Singh, AC to GP-7

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

ORAL ORDER

04/ 18-01-2018

Heard Mr. Pramod Kumar Pandey, learned

counsel for the petitioner and Mrs. Manisha Singh, learned AC
to GP-7.

The present Writ application has been filed
for a direction to the respondent authorities to supply certified
copy of Sale Deed No. 7853/65 dated 29.08.1928.

It is submitted by learned counsel for the
petitioner that the alleged sale deed is with regard to the land
appertaining to Khata No. 10, Plot No. 277, measuring an area of
1 Bigha 13 dhur situated in Mauza – Rudalpur Patairwa, District
– West Champran. The petitioner claims to be the owner of the
land in question since it was purchased by the ancestor of the



petitioner from Nathu Raut S/o Tulsi Raut by registered sale deed on 13.01.1933 and said Nathu Raut purchased the same from one Most. Rasulan on 29.08.1928 and thereafter said Nathu Raut executed sale deed in favour of Satyanarayan Prasad, the ancestor of the petitioner. The petitioner filed an application in Registry office in the year 2014 for supply of the certified copy of the sale deed but the same was not supplied. Thereafter, the petitioner filed an application on 22.05.2016 before Sub-Registrar, Motihari under Right to Information Act but the same was not responded and again petitioner filed an application on 08.08.2016 but even after that, the certified copy was not supplied. Since the certified copy of the sale deed was not supplied to the petitioner, hence, the present Writ application.

Counter affidavit has been filed on behalf of respondents to the effect that the sale deed in question is relating to 1928. The register in which the sale deed was copied is called 'Zild' and the concerned volume no. 65 is too old and damaged. Several pages of the register of volume no. 65 is not being tracked even after best efforts. However, the reconstruction of the said record is under process. The stand of the respondents has been incorporated in paragraph 3 and 6 of the counter affidavit, which read as follows:-



“Paragraph 3. The writ petitioner is seeking certified copy of the deed registered in the year 1928. The register in which the deed was copied is called “Zild”. The concerned volume i.e. volume no 65 is too old and damaged. Several pages of the register volume no 65 is not being traced even after best efforts of searching the same. The index of the concerned deed is available and copy of which has been made available to the writ petitioner.

Paragraph 6. That it is pertinent to mention here that record room of District Registry Office, Motihari was inspected by the Regional Record Room Incharge, Bettiah on 16th January 2010. During course of inspection it was found and reported that about ten thousand volumes of registers in the record room are damaged. Repairing of damaged volumes is under process/going.”

Considering the rival submissions of the parties and the stand of the respondents, this Writ application is disposed of with direction to respondent nos. 3 and 4 to expedite the reconstruction of the record, particularly, the sale deed in



question preferably within a period of four months and thereafter
it is expected that certified copy of the sale deed in question will
be supplied to the petitioner in accordance with law.

(Dinesh Kumar Singh, J)

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