

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6808 of 2018

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Durga Prasad son o Late Raj Ballabh Prasad resident of Purani Bazar,
Kesaria, Ward no. 9, P.S. - Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Registrar, East Champaran, Motihari.
3. The District Sub-Registrar, East Champaran, Motihari.
4. The Additional Collector, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Respondent/s : Mr. Anil Kr.Sinha-Ga1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-12-2018 Heard Mr. Yogesh Chandra Verma, learned senior

counsel for the petitioner and Mr. Amaresh Kumar Sinha, AC

to GA-1.

The petitioner has approached this Court for a

direction to the respondent-authorities to register the sale-

deed presented by him on 30.06.2017 for the purposes of

conveying a land appertaining to Khata No. 9, Plot No. 108,

admeasuring an area 4 decimals and Plot No. 110,

admeasuring an area of 7.600 decimals, falling within

Kesaria Circle, Kesariya Sub-Registry Office in the district of

East Champaran in favour of one Asha Kumari.

The document is not being registered ostensibly on



the ground that with respect to the aforesaid land for which conveyance has been made, there is a computerized list in the office of the Registry issued by the Inspector General of Registration, Bihar, Patna, prohibiting registration of any document with respect to conveyance of any property falling in the aforesaid Khata.

It appears that a Title Suit No. 448 of 2015 has been filed by one Arun Kumar Prasad before the competent court in Motihari in which Plot Nos. 108 and 110 of Khata No. 9, situated under Mauza Hamidpur in the Circle Kesaria has been made the suit property and a prayer has been made restraining the same.

Mr. Amresh Kumar Sinha, learned counsel for the State has drawn the attention of this Court to the fact that necessary clarification has been sought by the Incharge, District Registration Officer from the concerned Court where Title Suit No. 448 of 2015 is pending, to ascertain whether the property which is sought to be conveyed, is part of the suit property and it falls in the schedule of the plaint.

It appears from the records that the prayer for



injunction has been rejected by the concerned civil court, but considering the fact that it is a suit for partition, status quo has been directed to be maintained with respect to the said property.

Mr. Yogesh Chandra Verma, learned senior Advocate has submitted and reiterated that the property which is sought to be conveyed and for which sale-deed is to be registered by the authorities does not fall part of the property described in the schedule to the plaint.

In any view of the matter, the respondent – authorities shall issue a reminder letter to the concerned Court where Title Suit No. 448 of 2015 is pending and seek an opinion whether the sale-deed is with respect to another property or with respect to the property which is in the schedule of the plaint and if the report of the Court is in the negative, shall register the document as expeditiously as possible. It is expected that the concerned Court shall respond to the query of the respondent/Incharge District Registration Officer with utmost dispatch. By way of abundant precaution, it is directed that the reminder letter to



the Court shall be sent by the concerned respondent along with a copy of this order so that the Court dealing with the Title Suit No. 448 of 2015 sends its report expeditiously. The entire process is expected to be completed within a period of three months from today, failing which the petitioner shall have the liberty to approach this Court again.

With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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