

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2086 of 2019

Kiran Gupta, w/o- Sri Nagendra Prasad Gupta, Resident of Village - Mohalla
- Sahzadpur, Anderkila (Gandhinagar), P.S. - Hajipur Nagar, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. District Magistrate, Vaishali at Hajipur
3. Superintendent of Police, Vaishali, Hajipur
4. The District - Registrar District Registry Office, Hajipur, Vaishali
5. Samshul Haque, son of Late Yusuf Mian Resident of Mohalla - Muftee, P.S. Hajipur Nagar, District - Vaishali
6. Kulsum, wife of Samshul Haque Resident of Mohalla - Muftee, P.S. Hajipur Nagar, District - Vaishali
7. Mohd. Imteyaz, son of Samshul Haque Resident of Mohalla - Muftee, P.S. Hajipur Nagar, District - Vaishali
8. Hasbun Khatoon Yusuf Mian
All respondents no.5 to 8, Resident of Mohalla - Muftee, P.S. Hajipur Nagar, District - Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Mishra
For the Respondent/s	:	Mr. Anil Kumar Sinha (GA1)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2019 Heard the parties.

Following reliefs have been sought for in paragraph 1(i)
and (ii) of the present application on behalf of the petitioner:

“1(i) To direct the District Registrar, District Registry Office, Hajipur, Vaishali (Respondent no. 4) to accept the registration in favour of petitioner bearing Khata No. 35, Khesara No. 603, 605, Rakba 9 ½ dhur at Mauza-Muftee, Hajipur, Vaishali.

In view of the facts petitioner has given Rs. 3,00,000/- lakhs as Jarbayana for 9 ½ dhur land which price was ascertained as Rs. 10,00,000/- lakhs and rest amount of Rs. 7,00,000/- lakhs



was ascertained to pay at the time of registry where period was fixed for 11 months and an agreement/mahadanama was prepared on 10.08.2014 and the petitioner has arranged the rest money for registry but again on 25.07.2015 private respondent nos. 5 to 8 have took only Rs. 1,15,000/- (one lakh fifteen thousand only) and the time for registry has been extended for further eleven months. And the petitioner was ready to pay the rest money of Rs. 5,85,000/- (five lakhs eighty five thousand) at the time of registry but private respondent nos. 5 to 8 have started adjourning the period of registration and so being aggrieved the petitioner has sent a legal notice on 20.06.2016 and after receiving the legal notice dated 20.06.2016 respondent no. 5 has contacted with petitioner and assured for registry because the respondent nos. 7 and 8 were out of Bihar and thus the private respondents have started for adjourning although they have given the said land for use or for construction of house etc. but failed to execute the registry in favour of petitioner.

(ii) To direct the respondents nos. 5 to 8 to accept the rest of money of Rs. 5,85,000/- for registry in favour of petitioner after some processes as per the law and convert the mahadanama/agreement dated 10.08.2014 and 25.07.2015 in to the registered deed.”

In short, there was an agreement for sale between the petitioner and private respondent nos. 5 to 8. In spite of the legal notice upon the private respondents, the sale of the land in question is not being executed by the private respondents.

The petitioner is directed to file a suit before Civil Court with competent jurisdiction in respect of the relief sought



for in the present writ application as the relief sought for in the present application cannot be agitated under Article 226 of the Constitution of India.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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