

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3793 of 2019

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Suresh Kumar Suman, 44 Years (Male), Son of Pulish Rai, Resident of Village/ Mohalla - Shivanagari, P.S. - Chapra Mufassil, District - Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registry Department of Bihar, Patna.
2. The Commissioner, Patna, Bihar.
3. District Magistrate, Patna.
4. S.S.P. Patna.
5. The District Registrar, District Registry Office, Patna.
6. Ramchandra Singh, Son of Late Bhrigunath Singh, age 58 (Male), Resident of Mohalla - Ramjichak, Digha Jahajghat, Bataganj, P.S. - Digha, District - Patna
7. Shivchandra Singh, Son of Late Bhrigunath Singh, age 55 (Male), Resident of Mohalla - Ramjichak, Digha Jahajghat, Bataganj, P.S. - Digha, District - Patna
8. Jitendra Singh, Son of Late Bhrigunath Singh, age 53 (Male), Resident of Mohalla - Ramjichak, Digha Jahajghat, Bataganj, P.S. - Digha, District - Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Dhananjay Mishra, Advocate.
For the Respondents : Mr. Anil Kr. Sinha, G.A. 1.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The following reliefs have been sought for on behalf of the petitioner in the present writ application.

“1 (I) To direct the respondent nos. 6 to 8 to accept the registration in favour of petitioner bearing Khata No. 59, Survey Plot No. 815(P), Rakba-16 Katha, Mauza-Digha, Patna, in view of the fact that the petitioner has given



the amount as *Baibeyana* either through the cheque or in cash on several dates as stated in agreement paper prepared on 03.11.2014 for the period of ten months but gradually it has been extended with consent of both parties and in the meantime, some amount was paid to private respondents. All the private respondent nos. 6 to 8 are full brothers who are 1st party in agreement paper and petitioner alongwith Abhay Kumar Singh both are 2nd party in agreement paper and there was a deal for Khata No. 59, Plot No. 815, Rakba-16 Katha, Mauza-Digha, Patna, and later on, two plots have been executed by private respondent vide dated 11.11.2017 and 08.12.2017 as per the terms and conditions of agreement paper but since the month of April, 2018, private respondent nos. 6 to 8 have started adjourning for execution which is quite illegal and against the law and petitioner is in waiting of execution in his favour but taking the time by private respondents is creating doubt and failed to do so.

(ii) To direct the respondent nos. 6 to 8 to accept the rest of money as prescribed in agreement paper after due calculation for registry in favour of petitioner after some processes as per the law and convert the agreement dated 03.11.2014 into the registered as prescribed in Sub clause (ii) of agreement paper clearly mentioned on page 5 about registration in his favour.”

In short, there was an agreement for sale between the petitioner and private respondent nos. 6 to 8. In spite of legal



notice upon the private respondents, the sale of the land in question is not being executed by the private respondents.

Considering the facts and circumstances of the case, the petitioner is directed to file a suit before the 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 writ application cannot be agitated under Article 226 of the Constitution of India.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

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