

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2524 of 2018

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Rakesh Gupta S/o Ramagya Prasad Gupta, Resident of Mohalla- Salempur,
Pargana- Manjhi, District- Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. I.G., Registration.
3. District Magistrate cum Registrar, Chapra, Saran.
4. Sub- Registrar, Chapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.S.S. Dvivedi, Sr. Advocate Mr. Parth Gaurav, Advocate Mr. Shambihari Shankar, Advocate Mr. A.R. Singh, Advocate
For the Respondent/s	:	Mr.Pushkar Narain Shahi-Aag6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 19-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

The grievance of the petitioner in the present application is that the Registrar instead of allowing registry, keeping the matter pending.

In the counter affidavit stand has been taken on behalf of the respondents that the land is not topo land i.e. unsurveyed land and therefore, registration is not permissible.

Learned counsel for the respondents submits that in view of the order of the Principal Secretary, Revenue Department dated 7.6.2017 the Registrar has refused to register



the document. The action of the Registrar cannot be faulted.

Mr. Dvivedi, learned senior counsel appearing on behalf of the petitioner has drawn attention of this to the judgment reported in AIR 1989 Patna page 144 and paragraphs 3 to 5 of the aforesaid judgment is clinching on the point that Registrar is required to register the document and he has absolutely no jurisdiction to enter into the issue of title and refused to register the document on the ground of dispute as to the title.

Having regard to the judgment rendered by the Division Bench discussed hereinabove, the Court does not find the action of the respondents justified. Accordingly, the Registrar, Saran at Chapra is directed to register the document presented by the petitioner within a period of 15 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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