

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12824 of 2019

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Braj Mohan Prasad Singh Son of Late Bindeshwari Prasad Singh, Resident of Sai Kripa, Jaya Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Registrar, co-operative Societies, Bihar, Room No. 256, 2nd Floor, Vikash Bhawan, Jawahar Lal Nehru Marg, Patna- 800015.
3. The Deputy Registrar (Headquarter), Co-operative Societies, Bihar, Room No. 248, 2nd Floor, Vikash Bhawan, Jawahar Lal Nehru Marg, patna-800015.
4. M/s Alaknanda Sahkari Grih Nirman Samiti Ltd., Patna through its controlling authority the Assistant Registrar, Co-operative Societies, Patna Circle, Budhmarg, Patna- 800001.
5. Gyandeo Sharma Son of Late Sukdeo Sharma Resident of Naintrara Sadan, Jay Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna- 800001.
6. Rekha Sachdeo Wife of Late Arun Kumar Resident of 303/304, Om-Raj Apartment, Jamal Road, P.S. Gandhi Maidan, Patna- 800001.
7. Dharam Deo Sharma Son of Sukhdeo Sharma Resident of Kungsholms Hemnplan 3-112-20, Stockholm, Sweden.
8. Budh Deo Sharma Son of Late Sukhdeo Sharma Resident of Lavendelvagen, 19-152-54, Sollentuna, Sweden.
9. Sushma Sharma Wife of Late Kirtee Kapoor Resident of 240E 86th ST APT 14L, New York NY 10028-3045, United United States of America (U.S.A.).
10. Aamrjyoti Sharma Son of Gyandeo Sharma Resident of Naintrara Sadan, Jay Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.
For the State : Mr. Niraj Kumar Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-11-2019

Heard learned counsel for the petitioner and learned AC
to AAG-2 for the State.



2. The petitioner has moved the court for quashing of order dated 28.01.2019/04.02.2019 passed by the Deputy Registrar (Headquarter), Co-operative Societies, Bihar, Patna in Misc. Case No.106 of 2017 by which the case filed by the petitioner was dismissed with the observation that he should move before the Civil Court of competent jurisdiction and further for quashing of order dated 30.04.2019 passed in Appeal Case No.41 of 2019 by which challenge to the order dated 28.01.2019/04.02.2019 has been rejected.

3. The petitioner had moved before the authority for a direction to register the sale deed in favour of the petitioner of a double storied house with appertaining the land. It was further prayed that the possession of the petitioner be also restored of part of the appertaining land. By the orders impugned, the authorities have held that as it requires cancellation of the sale deed in favour of other person, the power can be exercised only by a civil court and thus the matter has been closed with observation that the petitioner may move before the Civil Court.

4. Learned counsel for the petitioner submitted that the land belongs to the cooperative society and the transfer to a private person is not in accordance with law. However, on the direct query of the court as to how, right or wrong, once sale deed has already



been executed with regard to the same land, the authority can order for re-registration without setting aside of the first sale deed, learned counsel was not in a position to assist the court or had any reply.

5. Having regard to the aforesaid, the court finds no error in the orders impugned. Thus, application stands disposed off with liberty to the petitioner to take steps in accordance with law, in terms of the order impugned.

6. It goes without saying that the same shall be considered on its own merit, in accordance with law, without being prejudice by the present order.

(Ahsanuddin Amanullah, J)

Prakash Narayan /-

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