

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15383 of 2013

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Smt. Asha Devi Wife Of Shri Nand Kishore Sah, Daughter Of Late Sahdeo Shah Resident Of Village Kamalpur, Parganrati, Police Station Paroo, District Muzaffarpur, Presently Resident Of Jafrabad, Police Station Lalganj, District Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Sub-Registrar, Paroo In The District Of Muzaffarpur
3. Secretary, Law Department, Patna
4. Smt. Dhurpati Devi Wife Of Harendra Shah Resident Of Village Kamalpura, Post Office and Police Station Paroo, District Muzaffarpur
5. Smt. Sheela Devi Wife Of Sri Lachhuman Sah Resident Of Village Kamalpura, Post Office and Police Station Paroo, District Muzaffarpur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3360 of 2013

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Smt. Asha Devi Wife Of Shri Nand Kishore Sah Daughter Of Late Sahdeo Shah Resident Of Village Kamalpura, Parganrati Police Station Paroo, District Muzaffarpur , Presently Resident Of Jagcarabad, P.S. Lalganj, Distt. Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Sub-Registrar, Paroo In The District Of Muzaffarpur
3. Smt. Dhurpati Devi Wife Of Harendar Shah Resident Of Village Kamalpura, P.S. Paroo, P.O. District Muzaffarpur
4. Smt. Sheela Devi Wife Of Sri Lachhuman Sah Resident Of Village Kamalpura, P.S. Paroo, P.O. District Muzaffarpur

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 15383 of 2013)

For the Petitioner/s : Mr.Shyam Sunder Pandey, Advocate

For the Respondent/s : Mr.Sunil Kr. Mandal, S.C. 3

: Mr. Ravi Ranjan Kumar Singh, AC to SC-3

(In Civil Writ Jurisdiction Case No. 3360 of 2013)

For the Petitioner/s : Mr.Shyam Sunder Pandey

For the Respondent/s : Mr.V.M.K Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

5 18-04-2019 Heard learned counsel for the petitioner and counsel appearing on behalf of the respondents.

The petitioner has filed the present writ petition for quashing the order dated 9.11.2012 and for further declaration that the sale deed executed vide Annexures 3 and 4 is not binding on the petitioners.

Learned counsel for the petitioner realizing the constraints and limited scope of judicial review submits that he may be permitted to explore the alternative remedy available to the petitioner under the common law that is by way of filing suit for declaration that the sale deed suffers from many infirmities including lack of consideration money and other defects as to fraud practice.

In view of the stand taken by the petitioner, the present writ application is disposed of with liberty to the petitioner to approach the competent Civil Court for proper declaration as to the validity and legality of the sale deed and cancellation thereof. In case such suit is filed by the petitioner the competent Civil Court, is required to examine the issue raised in the Suit in accordance with law at the earliest preferably within a period of one year. The order contained in Annexure-3 will not come in the way of the civil court in



deciding the legality and validity of Annexure-4 and other legal
issue raised in the suit.

With the aforesaid, the present writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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