

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3 of 2019

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Punam Kumari wife of Ganesh Kumar Resident of Village-Jaitpur,P.S.
Barahiya,Distt.-Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Registration, Government of Bihar, Patna
2. The District Magistrate,Lakhisarai
3. The Registrar,Registry Office,Lakhisarai
4. Binod Kumar Son of Late Ramchandra Singh Resident of Village-Gangasarai,P.s. Barahiya,Distt.-Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2, Advocate
For the Respondent/s : Mr.A. Chaturvedi, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2019 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ
petition is non-registration of the sale deed on its presentation
by the petitioner.

Learned counsel appearing on behalf of the State
would submit that the land in question is under restricted list of
lands and as such the registering authority has rightly refused to
register the document.

Under the Registration Act, the registering authority is
only required to examine whether the document is in order and
the other formalities as required for the purpose of registration



have been complied or not. They are not supposed to examine other issue as to title. Hence, objection of the registering authority in the matter of registration of document, according to this Court, is not sustainable.

Accordingly, the writ petition is allowed.

The Registering Authority is directed to consider registration of the sale deed, if otherwise, the document is in order in terms of the provisions of the Registration Act.

It is made clear that registration of the document will not, in any manner, preclude the State from questioning the validity of the title, if otherwise, not available to the petitioner.

(Anil Kumar Upadhyay, J)

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