

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6462 of 2020

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Ashok Kumar Agrawal son of Late Ratan Lal Agrawal, resident of S K Gharana, South Gandhi Maidan Road, P.s. Civil Lines, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Inspector General of Registration, Government of Bihar, Patna.
3. The Director, Land Records and Measurement, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Jehanabad, District Jehanabad, Bihar.
5. The District Magistrate cum Collector, Gaya District Gaya, Bihar.
6. The District Sub Registrar, Jehanabad, District Jehanabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-06-2020 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner relates to execution of sale deed.

This is the third round of writ petition. The matter relates to execution of sale deed of Plot No. 3476, Khata No. 1092, Thana No. 313, Mauja Saren, Circle Makhdumpur, District- Jehanabad.

Counsel appearing on behalf of the petitioner would submit that the ancestor of the petitioner had purchased the



aforesaid land vide deed of absolute sale No. 5152 dated 31.10.1960. Execution of the aforesaid sale deed and mutation in favour of the petitioner, the issue of title was raised in Title Suit No. 177 of 1972/49 of 1975 which was decided on 31.5.1977 against the father of the petitioner. Thereafter an appeal was filed being Title Appeal No. 5 of 1977/65 of 1977 which was allowed vide judgment dated 31.08.1977 and the title of the father of the petitioner was declared on the land in question. The matter was finally set at rest in SLP No. 6584 of 1981 vide judgment dated 30.3.1984. For the last six years on different occasions the sale deed was presented for execution before the District Sub Registrar, Jehanabad but he has not registered the document and acted in teeth of the provisions of the Indian Registration Act. He further submits that the issue was taken to the Collector under Section 72 of the Registration Act which was disposed of by the collector by directing the Sub-Registrar for fresh decision. The sub-Registrar thereafter sought opinion from the Law Department about the registration of the sale deed. The Director, Land Record vide his letter No. 1524 dated 18.12.2018 informed the District Sub-Registrar that the Law Department has opined that there is no legal impediment in execution of the sale deed



presented by the petitioner yet the document has not been registered and in compelling circumstances the petitioner has to approach this Court for the third time in the present writ petition.

The law is well settled that the authorities under the Indian Registration Act has to see that the document presented for registration is in order i.e. in prescribed form and presented with proper and due stamp or not. He has no business to examine the right, title or interest in the matter of registration. Though it is a case where the title of the father of the petitioner was decided in his favour upto the Supreme Court, yet as proposition of law it is none of the business of the Registrar to examine the issue of title. The Registrar is under obligation to accept the registration if the document presented is in prescribed form and on payment of prescribed fee.

Considering the aforesaid, the writ petition is disposed of with direction to the District Sub-Registrar, Jehanabad to register the document presented by the petitioner, if not already registered and if it is in the prescribed form and after payment of due registration fee and stamp, at the earliest, preferably within a period of 60 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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