

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6351 of 2020

Daftari Developers Pvt. Ltd. through its Director Manish Kumar Daftari, aged about 28 years (Male), Son of Sri Rajkaran Daftari, Resident of Ward No. 14, Bhagat Toli, P.S.-Kishanganj, District-Kishanganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Bihar, Patna.
3. The District Magistrate, Kishanganj.
4. The Additional District Magistrate, Kishanganj.
5. The Sub-Divisional Magistrate, Kishanganj.
6. The Collector-cum-District Registrar, Kishanganj.
7. The District Sub-Registrar, Kishanganj.
8. The Circle Officer, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay Sr. Advocate Mr. Jawed Jafar Khan Mr. Arun Kumar Prasad Mr. Anuj Kumar Miss Sushmita Mishra Mr. Lokesh Kumar Advocate Mr. Anand Kumar Advocate Mr. Rahul Kumar Advocate
For the Respondent/s	:	Mr. Durjati Kumar Prasad (GP-145) Mr. Ram Shankar Prasad AC to GP 14

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 12-10-2022

Heard the parties.

The short question involved in this case is as to whether the Collector can block the registration of the sale deed saying that the petitioner who wants to transfer the land in favour of the third party has no title over the land.

The Collector, Kishanganj has passed an order and blocked the registration of the sale deed saying that the State of Bihar has title over the land.

This order of the District Magistrate, Kishanganj vide Memo No. 1424 dated 16.08.2022 (part of Annexure D of the supplementary counter affidavit) is under challenge before this Court.

Mr. S.D. Sanjay, the learned Senior Counsel for the petitioner has relied upon a judgement of this Court passed in the case of Bihar Deed Writers Association & Ors. vs State Of Bihar & Ors. reported in AIR 1989 Patna 144 :: (1988) BLJ 963 and some orders following the Division Bench judgment for the Bihar Deed Writers Association's case (supra).

Learned counsel for the State has submitted that the State has challenged the title of the petitioner and had also filed Title Suit No. 85 of 2022 in the Court of Sub-ordinate Judge-I, Kishanganj for the following reliefs:-

“1. It be adjudicated and declared that the plaintiff has the lawful right title and interest over the suit land.

2. It be also adjudicated and declared that any jamabandi created in favour of any of the defendant in register II of the State is fraudulent, illegal and does not create any right or title to the defendants with respect to the suit land.

3. It be also declared that the defendants are merely encroachers and trespassers over the suit land having no right to sale the land.

4. Any other relief or reliefs to which the

plaintiff be found entitled be also awarded to the plaintiff.

5. That a decree for cost of the suit be also passed in favour of plaintiff against the defendants.”

He also submits that an injunction petition has also been filed by the State and, therefore, the order of the Collector, Kishanganj by which he has directed for stopping the registration of the land in question should not be interfered with by this Court.

Considered the rival submissions of the parties.

In my opinion, the law is well settled that the Registrar cannot look into the title of any party who comes for registration and the Collector has no power to block any registration.

In the present case also, the petitioner has produced the documents to show that he has title and the transfer of the land cannot be blocked by the Collector.

This Court in writ jurisdiction will not look into the documents to decide titles which are already subject matter in a title suit and in view of the fact that the Collector or anybody has no power to block the registration.

It hereby directed that the Collector will pursue his injunction petition and get it decided within 45 days of production/communication of the copy of this order in the Court

below.

The Subordinate Judge, I, Kishanganj, is directed to decide the injunction matter within 45 days once the order comes into his knowledge.

The petitioner in the course of hearing has been supplied with the copy of the plaint and the injunction petition filed by the State in the courts below and, therefore, he has now knowledge of the case and he will appear along with a copy of this order as early as possible.

The Court below will proceed to hear the injunction petition and decide the same in accordance with law without being influenced by the fact that the State is the plaintiff. The Subordinate Judge will not wait for the appearance of other defendants as they might not have been issued/serve notice. The injunction matter till the appearance of the parties can be decided by the Subordinate Judge after hearing the State and the learned counsel for the petitioner so far as the right of the petition is concerned. This exercise must be concluded within the period as mentioned above. If the injunction petition is not decided within the period as mentioned above, the registration of the documents will not be stopped after the aforesaid period.

With the aforesaid observations and directions,

this application is disposed of.

(Sandeep Kumar, J)

Sunnykr/Saif

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.01.2023
Transmission Date	N/A