

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.35 of 2018

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Rajendra Prasad Yadav Son of Late Gosai Yadav, Resident of Village- Suhath,
Ward No. 13, Police Station- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Saharsa.
3. The Additional Collector, Saharsa.
4. The Deputy Collector Land Reforms, Saharsa.
5. The Circle Office, Sattarkataiya Circle, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Manoj Kumar, Advocate
For the Respondents : Mr.S.C. Yadav- GP15

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 18-10-2022 Heard the parties.

The Collector, Saharsa has stopped the registration of the sale deed to be executed by the petitioner raising dispute over the title of the petitioner of the land.

It is well settled by a Division Bench of this Court in the case of *Bihar Deed Writers Association and others Vs State of Bihar & others* reported in *AIR 1989 Patna 144* and subsequent judgment dated 28.07.2022 passed in CWJC No. 17001 of 2021 (*Rakesh Gupta Vs State of Bihar and others*) and order dated 11.02.2022 passed in CWJC No. 9937 of 2020 (*Satyendra Kr. Singh Vs State of Bihar and others*) that the Registrar / Sub- Registrar cannot stop the registration of land in



question after going into the dispute of title. If *Jamabandi* has been created in the name of the petitioner and State wants to doubt the *Jamabandi*, the only option left to the State is to file a title suit for cancellation of longstanding *Jamabandi* and also cancellation of the sale deed.

Under these circumstances, the Collector, Saharsa is directed to register the sale deed without delay and raising unnecessary objection.

With the aforesaid observation and direction, this writ petition is allowed.

(Sandeep Kumar, J)

Harsh/ BT

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