

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16299 of 2021**

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Madan Kumar Das, S/o Late Mahant Pancham Das, Mahant for Ati Prachin Udasin Bari Sangat, Resident of Mohalla-Madhubani, P.S.-K. Hat, District-Purnea (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Inspector General of Registration, Vikas Bhawan, Bailey Road, Patna.
3. The District Magistrate-cum-Collector, Katihar.
4. The Sub Registrar, Katihar at District-Katihar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Raju Giri, Adv.<br>Mr. Santosh Kumar Mishra, Adv. |
| For the Respondent/s | : | Mr. Manish Kumar, AC to AAG-6                        |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 28-07-2022**

The present writ petition has been filed for directing the respondents to permit the petitioner to present the sale deed for registration, appertaining to Mauza-Saifganj, Thana No. 103, Survey Ward No. 20, New Ward No. 27, Mohalla-Gami Tolla, P.S. and District-Katihar bearing Khata No. 206, Khesra No. 41, 42, 43, 44, 45, 46, 47, 48, 100, 107, 108 and 214 having total area of 8.28 acres.

2. The learned counsel for the petitioner has



submitted that the petitioner is the Mahant of Sri Sri 108 Ati Prachin Udasin Sangat and the lands in question, with regard to which sale deed is to be executed, is under the control and management of the petitioner. The said land in question was purchased by a registered sale deed by the ancestor of the petitioner and the petitioner had sold a portion of the same to one Vashundhara Vihar Construction Private Limited by a registered sale deed dated 28.7.2014 (Annexure-2 to the present petition). The title of the petitioner is stated to have also been adjudicated by this Court in First Appeal No. 270 of 1996, which was filed by the petitioner against the judgment and decree dated 22.4.1996, passed by the learned Court of Sub-Judge III, Katihar in Title Suit No. 16 of 1992 / 36 of 1994 inasmuch as the said first appeal has been decided in favour of the petitioner by a judgment dated 9.10.2014, passed by a coordinate Bench of this Court, which has also been upheld by the Hon'ble Apex Court with the dismissal of the Special Leave Petition bearing SLP (C) No. 5023 of



2015, by an order dated 14.1.2020.

3. The learned counsel for the petitioner has also submitted that the only objection of the Respondent-State is that the petitioner has no right to sell the land in question and in fact, the said Sri Sri 108 Ati Prachin Udasin Sangat ought to have approached the Registrar for registration of the requisite sale deed with regard to sale of the land in question. In this regard, it is submitted that the judgment passed by a coordinate Bench of this Court in First Appeal No. 270 of 1996, as upheld by the Hon'ble Apex Court, leaves no room for doubt that the petitioner is the Mahant of Sri Sri 108 Ati Prachin Udasin Sangat and the land in question is also under his control and management, which has also not been disputed by anyone during the present proceedings.

4. Per contra, the learned counsel for the State submits that though it appears that the aforesaid Sri Sri 108 Ati Prachin Udasin Sangat has not approached the respondent authorities for registration of the land in question, but then it has



not been denied that the said Sri Sri 108 Ati Prachin Udasin Sangat is required to be represented by someone, who is none-else but the petitioner herein. It is thus submitted that this Court may consider the facts and circumstances of the case and pass appropriate orders.

5. I have heard the learned counsel for the parties and perused the materials on record. At the outset, this Court would refer to a judgment rendered by a learned Division Bench of this Court, in the case of Bihar Deed Writers Association vs. The State of Bihar & Ors., reported in AIR 1989 Patna 144, paragraph no. 3 whereof is reproduced hereinbelow:-

"3. It appears to us that this application can be disposed of at the stage of admission inasmuch as the point in issue is limited. In our view, if a document otherwise complying with the statutory requirements and formalities is presented for registration, the registering authority is bound to register it. It is not for the registering authority to enquire and ascertain the title to its own



satisfaction. Under the provisions of the T.P. Act, 1888, if the transferor does not have any title or has an imperfect title to the property, the transferee on transfer will either get no title or be will get an imperfect title. This will be to the prejudice of the transferee and is not of any concern to the registering authority.

6. Thus, this Court is of the view that once a document / deed, otherwise complying with the statutory requirements and formalities is presented for registration, the registering authority is duty bound to register the same. This principle of law has not been refuted by the Respondent-State.

7. This Court further finds from the records of this case that earlier also, the petitioner had sold land of the aforesaid Sri Sri 108 Ati Prachin Udasin Sangat vide registered sale deed dated 28.7.2014, hence, at this stage when the first appeal bearing First Appeal No. 270 of 1996 has stood decided in favour of the petitioner by a judgment dated 9.10.2014 and the special leave petition, filed



against the same has also stood dismissed, it is too late in the day for the respondent authorities to refuse to accept the documents pertaining to the sale deed in question for the purposes of registration of the same.

8. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the present writ petition stands allowed and it is directed that subject to the petitioner presenting the sale deed in question for registration, the same otherwise complying with the statutory requirements & formalities as also upon deposit of requisite stamp fees, the same shall be registered by the registering authority within a period of 48 hours.

**(Mohit Kumar Shah, J)**

Ajay/-

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| AFR/NAFR          | AFR        |
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