

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17572 of 2021

1. M/s Mukesh Raj Re-Rolling Mills Pvt. Ltd. a Company Incorporated Under the Indian Companies Act. Having registered Office at Thana Chouk Khagaria, represented through its Director, namely Mukesh Kumar aged about 53 Years, Male Son of Late Manohar Prasad Resident of Thana Chouk Khagaria, Police Station-Khagaria, District-Khagaria.
2. Mukesh Kumar Son of Late Manohar Prasad Resident of Thana Chouk Khagaria, Police Station-Khagaria, District-Khagaria.
3. Rajesh Kumar S/o-Late Manohar Prasad Resident of Thana Chouk Khagaria, Police Station-Khagaria, District-Khagaria.
4. Suresh Prasad S/o-Law Vijay Chand Prasad Resident of Thana Chouk Khagaria, Police Station-Khagaria, District-Khagaria.
5. Raj Kishore Prasad S/o-Late Vijay Chand Prasad Resident of Thana Chouk Khagaria, Police Station-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Excise and Registration, Government of Bihar, Patna.
4. The District Registrar Cum the Collector, Khagaria.
5. The Sub Registrar, District-Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Adv. Mr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. Manish Kumar, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-08-2022 The present writ petition has been filed seeking the following reliefs:-

“(i) For quashing the decision taken as contained in Memo No. 17 dated 07.06.2021 having been communicated through letter bearing no. 3113 dated 20.7.2017 regarding the meeting held on



03.06.2017, whereby and where under the unsurveyed land (topo land) of the petitioners and others have been prohibited from being transferred by way of sale/ purchase as well as for registration of those deeds of conveyance.

(ii) Also for commanding the respondent authorities to permit the petitioners to deal with their lands, detailed in paragraph nos. 8 and 9 of this writ petition, as per the provisions of Transfer of Property Act, 1882, and in consequence thereof, the deed of sale on being presented may be directed to be registered by the Respondent No.5.

(iii) Also for commanding the respondent authorities not to stop or discontinue the issuance of Rent receipt5s, being issued in favour of the petitioners in respect of the land being held by them as detailed in paragraph nos. 8 and 9 of this writ petition.”

At the outset, the learned counsel for the Respondent State, by referring to the counter-affidavit filed in the present case, has submitted that the District Sub-Registrar, Khagaria, has been directed to register the deed in question provided the same is presented for registration according to Rule. In this regard it would be apt to reproduce paragraph no. 11 of the counter affidavit herein below:-



“11. That the Answering respondent submits that they are bound by the law of the land and would ensure that law of the land is followed in its true letter and spirit.

The department has taken following steps in this regard:-

a) A letter no. 4088 dated- 16.08.2022 is being issued to the District Sub-Registrar, Khagaria to Register the concerned deed mentioned in the petition, if it is presented for registration according to Rules.

b) The letter no.-3113 dated- 20.07.2017 issued by the Prohibition, Excise & Registration Department regarding instruction to all Collectors-cum- District Registrar/ District Sub Registrar/ Sub Registrar to follow up the instruction of the Principal Secretary, Revenue & Land Reforms Department regarding registration of unsurveyed/ topo land has been withdrawn by the department vide letter no. -0487 dated 16.08.2022.”

As far as the issuance of rent receipt is concerned, the learned counsel for the Respondents submits that the said issue shall be examined and in case the rent has been deposited, the receipt would definitely be issued.

At this juncture, the learned Sr. counsel for the petitioner has submitted that though the Jamabandi of the land



in question has continued since time immemorial, nonetheless, without any reason, the rent receipts have not been issued w.e.f. the year 2017.

Having regard to the fair stand taken by the Respondents in the counter affidavit filed in the present case, the present writ petition stands allowed.

(Mohit Kumar Shah, J)

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