

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4333 of 2023

Sushant Kumar Singh S/o Yogendra Singh @ Late Yogendra Singh, R/o S M Q 279 Air Force, Hindan, Hindan Air Field S.O, Hindon Air Field, Ghaziabad, Uttar Pradesh-201004 presently resides at Sringaram Store Gupta Complex, Yarpur Road No. 1, Gardanibagh, P.O.- G.P.O, P.S.- Gardanibagh, District- Patna, Bihar-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar Main Secretariat, Patna 800015.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar Old Secretariat, Bailey Road, Patna-800015.
4. The Additional Chief Secretary, Department of Home, Government of Bihar Old Secretariat, Bailey Road, Patna-800015.
5. The Commissioner, Patna Division, West Gandhi Maidan, Raja Ji Salai, Lodipur, Patna, Bihar 800001.
6. The District Magistrate, Patna, Bihar.
7. The Sub-Divisional Office Barh, Bihar.
8. The Sub-Registrar, Sub Registry Office, Barh, Bihar.
9. The Circle Officer, Athmangola, Bihar.
10. Mr. Rana Prashant Singh, S/o Late Yogendra Singh, R/o. Village-Daulatpur, P.O.- Athmalgola, P.S. Athmalgola, District- Patna, Bihar-803211.
11. Mrs. Ranju Sinha W/o Rana Prashant Singh, R/o.- Village- Daulatpur, P.O.- Athmalgola, P.S.- Athmalgola, District.- Patna.
12. Rana Ranjit Singh s/o.- Late Yogendra Singh, R/o.- House No. 195, Gali No. 18, Vipin Garden Extension, Kakrola More, Dwarka, New Delhi-110059

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Devesh Shankaran, Adv.
	:	Mr. Harsh Kaushal, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed seeking direction to hold and declare the Registered Sale Deed No.6083



dated 31.12.2020 to be sham and bogus with further direction to restrain the registration of any document on the basis of the above said fraudulent deed at the behest of private respondents for the land in question. The another relief has been sought to take legal action against the private respondents who have fraudulently and maliciously managed to obtain the sale deed executed by a vendor (mother of the petitioner) who had already died on 27.10.2020 and further to direct the respondents for removal of the encroachment on the said land.

3. Learned counsel for the petitioner submits that the Registrar or Sub-Registrar has no power under law to hold and declare a registered deed to be sham and bogus and without order passed by the competent Court the registry of a document cannot be stopped. He further submits that Section 82 and 83 of the Indian Registration Act, 1908 are the penal provisions. He also submits Section 82 of the Indian Registration Act, 1908 deals about the penalty for making false statement, delivering false copies or transactions, false personation and abatement whereas Section 83 of the Indian Registration Act, 1908 deals about the power of the Registering Officer to commence prosecution against the wrong doers. Learned counsel further submits that he has annexed the registered document, the said



document was presented before the Registrar on 31st December, 2020 and alleged to be presented by Inter Devi. He submits that the said Inter Devi is the mother of the petitioner who already died on 27.10.2020 at P.M.C.H., Patna and her cremation was taken place on 28.10.2020, he has annexed the death certificate dated 27.10.2020 which is Annexure No.1 to the writ petition. Learned counsel further submits that Inter Devi was identified by one Mr. Dilip Kumar and the stand of the petitioner is that since the alleged vendor Inter Devi has already died then definitely this registration took place by false personation made by the beneficiary of the deed i.e. private respondents. He further submits that under law the registering officer is the competent authority to enquire into this act and then shall direct to commence the prosecution and the wrong doer shall be punishable with imprisonment for a term which may extend to 7 years or with fine or with both as mentioned under Section 82 of the Indian Registration Act, 1908.

4. Learned counsel for the State submits that the position of law is same as mentioned in the Indian Registration Act, 1908.

5. In this view of the matter, this Court is of the view that the reliefs sought by the petitioner in the writ petition is not



possible under law to grant him by this Court but liberty is hereby granted to the petitioner to file a fresh representation within four weeks from the date of passing of this order before the Registering Officer and the Registering Officer is directed to take action in accordance with Section 82 and 83 of the Indian Registration Act, 1908, within six weeks thereafter.

6. With this observation and direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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