

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7978 of 2022

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Anita Kumari Wife of Sri Arun Kumar Resident of Village-Ratanpur, P.S.-
Chakmeshi, District-Samastpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Registrar Inspector General (Land), Prohibition Excise and Registratiion Department, Govt. of Bihar, Patna.
3. The Assistant Registrar Inspector General(Land), Prohibition Excise and Registratiion Department, Govt. of Bihar, Patna.
4. The Registrar (Land) Cum Distret Magistrate Cum Collector, Registrar Officer, Samastipur.
5. The Sub Registrar (Land), Sub Registrar Office, Kishanpur, Samastipur.
6. Ram Ekbal Karji S/o of Late Mahendra Karaji Resident of Village-Ratanpur,. P.S.-Chakmeshi, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dileep Kumar Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2023 Heard Mr. Dileep Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Md. Khurshid

 Alam, learned AAG-12 for the respondent/s.

Prima facie the grievance of the petitioner is that respondents are not entertaining his application for registration of the sale deed in want of requisite papers, allegedly detected at the time of presenting it before the Registrar in accordance with Section 32 and Section 7(5) of Bihar Registration Act, 2008.



Learned counsel appearing on behalf of the petitioner submitted that vide Annexure-2 he had made a detailed representation before the Sub-Registrar, Kishanpur, Samastipur, but the order has been passed without providing him any opportunity to present the sale deed after having fulfilled the conditions for getting it registered.

He further submitted that he filed an application on 12.01.2022 for taking action under Section 36, which provides for appearance of witnesses and exemption from appearance at Registry Office under Section 38 of the Act. He further submitted that his application was required under Section 23 of the Indian Registration Act, 1908. In this regard the learned counsel has also referred the application dated 05.10.2021 which was filed within statutory time.

Learned counsel appearing on behalf of the State submitted that writ petition is not maintainable. He submitted that as per the provision of Section 23 of the Indian Registration Act, 1908, a sale deed is required to be accepted for registration within four months from the date of execution. The sale deed was executed on 19.07.2021, however, it was taken back by the petitioner and was not presented within the period of four months for getting it registered in accordance with Indian



Registration Act, 1908 and Bihar Registration Rules, 2008.

Heard the parties.

Section 25 of the Indian Registration Act, 1908 provides that, if owing to urgent necessity or unavoidable accident any document executed in India is not presented for registration within four months, then the same may be accepted within further period of four months alongwith fine.

Petitioner is directed to make his representation before the District Magistrate-cum-Registrar, Samastipur, who is directed to look into the matter, and pass a reasoned order in accordance with the provision of the Indian Registration Act-1908.

Accordingly the present writ petition is disposed of.

(Purnendu Singh, J)

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