

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7732 of 2023

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Upendra Singh Son of Sri Hari Nandan Ray, resident of Village - Bela, P.S. -
Bihita, Post Office, Neora, District - Patna - 80113, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar Patna.
3. The Joint Secretary, Registration, Registration Excise and Prohibition Department Government of Bihar, Patna.
4. The Inspector General of Registration, Registration, Excise and Prohibition Department Government of Bihar, Patna.
5. The Assistant Inspector General of Registration, Registration, Excise and Prohibition Department Government of Bihar Patna.
6. The Assistant, Inspector General of Registration, Patna Division, Patna.
7. The District Magistrate-cum-District Registrar, Patna.
8. The District Sub-Registrar, Patna.
9. The Circle Officer, Bihita, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratik Kumar Sinha
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-09-2023

The present writ petition has been filed seeking the following reliefs:-

“1(i). To issue a writ of mandamus upon the respondent authorities directing them, particularly respondent no. 7, District Magistrate- cum- District Registrar, Patna and respondent no. 8, Sub-Registrar, Patna to register the sale-deed



dated 17/4/2023, which has been executed in favour of the petitioner (vendee) by one Lakhmania Devi, Wife of Late Ramji Rai (Vendor) on 17/4/2023 pertaining to a piece of land having an area of four (4) decimals, bearing Khata No. 355, Survey Plot No. 1033, Village-Bela, Tauzi No. 3646, Bihita-Thana No. 83, having Jamabandi No. 359A;

(ii) To issue further order/orders or writ/writs or direction/directions upon the state respondents directing them to pay suitable compensation and litigation cost to the petitioner as due to their inaction till date the sale deed executed and presented on 17/4/2023 has not been registered leading to mental agony and financial hardship in as much consideration amount of Rs. 5,80,000/- for more than a fortnight is with the vendor and also the stamp duty of Rs. 31,540/- alongwith the Registration Fee of Rs. 16,625/- and other miscellaneous charges totalling to Rs. 49,215/- is lying in the coffers of the state government;

(iii) To issue further order/orders or writs/writs direction/directions directing the higher official respondents to initiate proceedings against the responsible officials on whose instance the sale-deed dated 17/4/2023 has not been registered till date in terms of the Indian Registration Act, 1908 (hereinafter referred as to 'the Act') because such action/act, inaction/omission amounts to colourable and arbitrary exercise of power.”



2. The learned counsel appearing for the State seeks to file a supplementary counter affidavit, which is taken on record, wherein it has been stated that the nature of the land in question is Gairmajarua Malik land and since the said land has already been settled in favour of the vendor of the petitioner, the vendor of the petitioner is required to get the nature of land converted from Gairmajarua Malik land to a raiyati category land in terms of the scheme, notified by the Revenue and Land Reforms Department, Government of Bihar, Patna, vide Resolution dated 11.11.2014, which is annexed as Annexure R/6 to the present supplementary counter affidavit.

3. In view of the aforesaid stand taken by the Respondent-State, the learned counsel for the petitioner seeks liberty on behalf of the vendor of the petitioner to act in terms of the aforesaid Resolution dated 11.11.2014, however, seeks a direction upon the Respondents to do the needful within a fixed time frame as also prays that it be clarified that the aforesaid Resolution dated 11.11.2014 shall be applicable to even those category of Gairmajarua Malik land, which are not under acquisition.

4. Having regarding to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ



petition with liberty to the vendor of the petitioner to approach the Respondent authorities for change of category of the Gairmajarua Malik land into raiyati category land and in case, appropriate application is filed within a period of four weeks from today, before the District Magistrate, Patna, he shall pass appropriate orders, in accordance with law, within a period of four weeks, thereafter, without being impeded by the fact that the land in question is not under acquisition, inasmuch as it is the stand of the Respondent-State that the aforesaid Resolution dated 11.11.2014 applies to even such cases, where the land in question are not under acquisition.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2023
Transmission Date	NA

