

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10711 of 2020

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Manoranjan Kumar Singh, Son of Bikramaditya Singh, Resident of Village- Murarpur, P.S.- Harsidhi, District- East Champaran. At present Resident of Mohalla- New Chandmari, Near Durga Mandir, Police Station- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner cum I.G. Registration, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, East Champaran, Motihari.
4. The Sub Registrar, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The Circle Officer, Harsidhi, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 04-12-2023

1. Heard learned counsels for the parties.
2. This writ application has been filed for the

following reliefs:-

“A. A Writ in the nature of Mandamus or any other appropriate writ / writs, order / orders, direction / directions commanding the respondents for the following:-

- I. To release the Raiyati land of the petitioner bearing Khata No. 3, Khesara No. 2109, Circle Office- Harsidhi, Thana No. 156 from the restriction / block list having Restriction No. 18122446000001 which has wrongly been kept in the restriction list vide order dated 08.07.2019 passed by the learned Additional Collector, Motihari, East Champaran



(Respondent No. 5) for the purpose of transfer of land.

II. To direct the Respondent No. 4, the Sub Registrar, Motihari, East Champaran, to register the sale deed presented before him considering the fact that the land bearing Khata No. 3, Khesara No. 2109 is the Raiyati land of the Petitioner and free from any encumbrance which has illegally be put in restriction / block list.

B. To any other relief / reliefs to which the Petitioner for the Hon'ble court deems fit and proper.”

3. It is contended on behalf of the petitioner that land bearing Khata No. 3, Khesra No. 2109 situated at Village- Murarpur, P.S.+Anchal- Harsidhi, District- East Champaran, is the raiyati land of the petitioner against which land possession certificate and rent receipt have been issued in favour of the petitioner. The aforesaid land is the purchased land of the petitioner which was purchased from Khatiyani Raiyat namely Gauri Shankar Rai in the year 2000. It is next submitted that in the year 2019, the petitioner was in need of some money, hence he offered to sell his land bearing Khata No. 3, Khesra No. 2109, Area 31.68 decimal to Santosh Kumar Prasad son of Late Ramdeo Prasad, resident of Village + P.O. + P.S.- Turkaulia, District- East Champaran, who accepted the same and after receiving the consideration money, the petitioner submitted the sale deed before the Sub-Registrar, Mothari, East Champaran (Respondent No. 4) on 10.01.2019, who refused to register the



land on the sale deed on the ground that the aforesaid khata and plot has been restricted vide Restriction Sl. No. 18122446000001. Learned counsel for the petitioner submits that if a document otherwise complies with the statutory requirements and formalities is presented for registration, the registering authority is duty bound to register it.

4. In this regard, learned counsel for the petitioner has placed reliance on a Division Bench judgment of this Court in the case of *Bihar Deed Writers Association and Others versus State of Bihar and Others* reported in *AIR 1989 Patna 144* to submit that the Registrar is under obligation to register the document presented before him and he does not have any jurisdiction to enter into the issue of title at the stage of registration. He has also relied upon another Division Bench judgment of this Court passed in the case of *Satyendra Kumar Singh versus The State of Bihar and Others* bearing *C.W.J.C. No. 9937 of 2020* dated 11.02.2022.

5. Learned counsel representing the State of Bihar opposing the prayer made by the petitioner in the writ application and submissions made on behalf of the petitioner contends that since the land in question was enlisted under the restriction list in the Registration Office, the matter was referred



to the District Level Committee for verification. The District Level Committee verified the matter and found that land in question is recorded in R.S. Khatiyani as “Bakast Malik (Bettiah Raj)” and as such the District Level Committee resolved in its meeting dated 30.07.2022 to request the Manager Bettiah Estate to clarify its claim over the plot in question and refused to register the land in the sale deed in question.

6. Having considered the rival submissions advanced on behalf of the parties, noted above, in the background of the aforesaid case, I find substance in the submission made on behalf of the petitioner that if a document otherwise complying with the statutory requirement and formalities is presented for registration, the registering authority is duty bound to register it.

7. In this regard, reference can be made to the judgment of the Hon’ble Apex Court in the case of ***State of Rajasthan and Others versus Basant Nahata*** reported in ***(2005) 12 SCC 77*** wherein the Hon’ble Apex Court has laid down that the aim of the Registration Act is to govern the documents and not the transaction embodied therein. The Hon’ble Supreme Court has noted that by registration of a document, only notice of the public is drawn.

8. The Division Bench of this Court in ***Bihar Deed***



Writers Association (supra) has laid down in paragraph 3 of the judgment as follows:-

“3..... 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 transferee on transfer will either get no title or he will get an imperfect title. This will be to the prejudice of the transferee and is not of any concern to the registering authority.”

9. In view of the aforesaid facts and circumstances and the law laid down by the Division Benches of this Court as well as the Hon’ble Apex Court, I am of the view that the plea taken on behalf of the State of Bihar that the registration of the sale deed was refused in terms of the restricted land as the said land is recorded in R.S. Khatiyani as “Bakast Malik (Bettiah Raj)” is hereby rejected. It is held that once a document which is required to be registered is presented for registration in compliance of the Registration Act, the registering authority is under obligation to register the document presented before it.

10. Accordingly, this writ application is allowed.



11. The Sub-Registrar, Motihari, East Champaran (Respondent No. 4) is directed to register the sale deed in question, if presented by the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2023
Transmission Date	NA

