IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11031 of 2023

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Rajnish Kumar Son of Vishwanath Singh, Resident of Mohalla- Sar Ganesh Dutt Nagar, Road No. 04, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The Principal Secretary of Revenue and Land Reforms Govt. of Bihar, Patna.
2. The Secretary of Revenue and land Reforms, Govt. of Bihar, Patna.
3. The Inspector General of Registration and Stamps, Bihar, Govt. of Bihar, Patna.
4. The Collector cum District Magistrate, Muzaffarpur, Bihar.
5. The Sub- registrar, office of the Sub-registrar, Muzaffarpur, Bihar.
6. The Circle Officer of Mushahari block, Muzaffarpur

respondent 1st Set.

7. State Bank of India, through the Asst. General Manager and Authorized officer, Stresses assets management Branch - I, 11 and 13, Shakespeare Sarani, Kolkata, 700071, West Bengal.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Advocate
		Ms. Rupa Kumari, Advocate
For the SBI	:	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 29-08-2023 1. The present writ petition has been filed seeking the following relief:-

"1. That this is an application for issuance of a writ in the nature of mandamus and /or an

appropriate writ directing the respondent 1" set to enter the sale certificate dated 02/05/2023 (Annex-2) issued by respondent 2 set In Book-1 under section 89(4) of the Registration Act, 1908, without insisting the stamp duty and get registered the land bearing Khata no.- 452 (K), Khesra no.- 108, Thana no.- 353, area 10 decimal situated at Mauza - Bhagwanpur, Anchal Mushahari, P.s.- Sadar, District-Muzaffarpur in name of petitioner and also to issue registration certificate to the petitioner for the same, as the land in question has purchased by the petitioner from State Bank of India, which was auctioned by the SBI under securitization of Financial Assets and enforcement of Security Interest Act, 2002 on 50/04/2023 at State Bank of India, SAMB-1, Kolkata and the respondent 1st set is not enter the name of the petitioner in Book-1 (i.e. registration of non-testamentary documents relating to immovable property) without any reason and also direct the respondent 1st set to create jamabandi in name of the petitioner without any hindrance and also direct respondent 2nd set to take active steps for getting entry of the name of the petitioner in Book-1 for registration process and/or pass any other order/ orders, direction/ directions from which the petitioner is found legally entitled."

2. At the outset, the learned counsel for the petitioner has referred to a judgment dated 11.11.2022, passed by the Hon'ble Apex Court in the case of the **Inspector General of Registration @ Anr. vs. G. Madhurambal & Anr.**, relevant portion whereof is reproduced hereinbelow:-

> *"Learned counsel for the petitioner(s) has made a valiant endeavor to persuade us to interfere with the impugned judgment(s) but not successfully. It is logically so as this issue has been repeatedly settled and if one may say, a consistent view followed for the last 150 years. We may refer to the judgments by the Madras High Court in the Board of Revenue No.2 of 1875 (In Re: Case Referred) dated 19.10.1875 opining that a certificate of sale cannot be regarded as a conveyance subject to stamp duty, by the Allahabad High Court in Adit Ram v. Masarat-un-Nissa opining that a sale certificate is not an instrument of the kind mentioned in clause (b) of Section 17 of Act III of 1877 and is not compulsorily registrable and this Court's view in Esjaypee Impex Pvt. Ltd. v. Asst. General Manager and Authorised officer, Canara Bank' opining that the mandate of law in terms of Section 17(2) (xii) read with Section 89(4) of the Registration Act, 1908 only required the Authorised officer of the Bank under the SARFAESI Act to hand over the duly*

> *validated Sale Certificate to the Auction Purchase with a copy forwarded to the Registering Authorities to be filed in Book I as per Section 89 of the Registration Act and order of this Court in M.A. No.19262/2021 in SLP (C) No.20752/2019 dated 29.10.2021 opining that once a direction is issued for the duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action.*
>
> *It is time that the authorities stop filing unnecessary special leave petitions only with the objective of attaining some kind of a final dismissal from this Court every time. Costs this time has been spared but will not be spared the next time.*
>
> *The needful be done in terms of the impugned judgment(s) within 15 days from today.*
>
> *The special leave petitions are dismissed. Pending applications stand disposed of."*

3. The learned counsel for the respondent no.7-State Bank of India has submitted that the petitioner has already sent certificate of sale to the Sub-Registrar, at Muzaffarpur, vide letter dated 02.05.2023. In such view of the matter, the learned

Counsel for the petitioner submits that the Sub-Registrar, Muzaffarpur be directed to keep the sale certificate in Book-1, as per Section 89 of the Registration Act, 1908. It is directed, accordingly.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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