

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13507 of 2023**

Md. Sakir S/o Late Abdul Razzaque @ Rajaque Mian Resident of Village Bhusunda, P.S. Mufassil, District Gaya at Presently residing at Mohalla-Ghughari Tand, Chandchaura, P.S. Civil Line, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector, Gaya.
3. The Land Reforms Deputy Collector, Gaya.
4. The Circle Officer, Manpur
5. The Chief Conservator of Forest, Technology Bhawan, 4th Floor of Vishveshwariya Building, Punaichak, Patna.
6. The Divisional Forest Officer, Forest Division, Mohalla New Karimganj, P.S.-Civil Line Town, District-Gaya.
7. The Additional Collector, District Registration Officer, Gaya District Sub-Registrar, Gaya.
8. District Sub Registrar, Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate

For the Respondent/s : Mr.Md. Khurshid Alam ( AAG-12 )

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL ORDER**

2      03-10-2023                      The present writ petition has been filed seeking the following reliefs:-

*“1. i) For issuance of appropriate writ in the nature of Certiorari for quashing of order No. 109 dated 22.07.2023 passed by Ld. Collector-cum-District Registrar, Gaya whereby and whereunder he refused to pass any order regarding sale/purchase/ registration of any piece of land during the pendency of the title suit having its Khata No.- 76, Plot No.- 14 and 31, Thana No. 320 situated in Village Bhadeja,*



*Anchal Manpur, District-Gaya and on the basis of such order Sub-Registrar is not entertaining any sale purchase/transfer of land which is bad illegal, barred under scope of 71 of Registration Act and also violation of direction issued under Injunction petition finally affirmed by Hon'ble High Court.*

*ii) For issuance of appropriate writ in the nature of Mandamus seeking direction to Respondent to allow any sale purchase/ registration of land having its Khata No. 76, Plot No. 14 and 31, Thana No.- 320 situated in Village- Bhadeja, Anchal -Manpur, District Gaya as the land in question belongs to petitioner and his Ancestor and they have been coming in possession since 1938 and the said fact has been affirmed by different court including. Hon'ble High Court and rent receipt has been issuing continuously in the name of petitioner."*

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner



to approach the learned Civil Court to prosecute the suit already filed by petitioner, bearing Title Suit No. 29 of 2005/307 of 2005, which is pending adjudication before the learned Court of Sub-Judge-VI, Gaya, as also for the purposes of making an application to sell his land, despite the fact that the petitioner has already been granted such liberty by a coordinate Bench of this Court vide order dated 30.01.2023, passed in CWJC No. 6933 of 2021. Liberty so sought is granted.

3. The Ld. Counsel for the petitioner also seeks a direction upon the learned Trial Court to consider the prayer of the petitioner for grant of permission to sell land, without being prejudiced by the order dated 22.07.2023 passed by the Collector-cum-District Registrar, Gaya. It is directed accordingly.

4. The writ petition stands disposed off as not pressed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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