

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10942 of 2018

=====

Anil Kumar Rai Son of Late Shanichar Roy, Resident of Village-
Thakurichak, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai.
3. The District Sub Registrar, Begusarai.
4. The Sub Divisional Officer, Begusarai.
5. The Deputy Collector, Land Reforms, Begusarai.
6. The Circle Officer, Barauni District Begusarai.

... .. Respondent/s

=====

Appearance:

For the Petitioner/s : Mr.Arun Kumar, Advocate
Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate
For the Respondent/s : Mr.Akash Chaturvedi, AC to SC-11

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-06-2023 1. The present writ petition has been filed
seeking the following relief:-

*“1. That the petitioner prays for
issuance of appropriate writ in the
nature of mandamus commanding
and directing upon the respondents
concerned specially respondent
no.2 (D.M) to get the lands
registered as the land in question is
Raiyati land of the petitioner who
has purchased the same by
registered sale deed and Jamabandi
has also been created in his favour
and even query made from the
level of respondent authorities,
Circle Officer, Barauni has reported
that the land in question is raiyati*



land and as such the same may be registered despite that without assigning any valid reason land is not being registered, causing much monetary loss to the petitioner as petitioner has deposited the amount and received the stamp paper for registrations.”

2. The learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that the Circle Officer, Barauni, District-Begusarai has submitted a report dated 11.10.2018, wherein it has been stated that since the land in question is *Gairmajarua Khas Kism Garha*, recommendation has been made for cancellation of the Jamabandi of the said land, whereafter a letter has also been written to the Additional District Collector, Begusarai dated 09.10.2018. In such view of the matter, it is submitted that the registry of the land in question is not possible.

3. At this juncture, the learned counsel for the petitioner has submitted, by referring to



Annexure-R/2, annexed to the counter affidavit filed in the present case, that the Sub-Divisional Officer, Begusarai by his letter dated 31.07.2017 has written to the District Sub-Registrar, Begusarai that since the Jamabandi is existing in favour of the vendor of the land in question, namely, Shri Vakil Ram, recommendation has been made by the Circle Officer, Barauni for vacating the ban imposed upon the registration of the land in question.

4. Having regard to the facts and circumstances of the case, this Court finds that in case Jamabandi is existing in favour of the vendor of the land sought to be sold, the registry of the sale deed in question cannot be refused unless and until Jamabandi stands cancelled, hence the respondents are directed to take appropriate action, in accordance with law, forthwith.

5. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

