

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14083 of 2023

Prema Devi Wife of Late Nathuni Singh, Resident of ward no. 6, police station - Bhabua, District - Kaimur, Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar Through the Prohibition, Excise and Registration Department, Government of Bihar, Vikas Bhawan, New Secretariat, Nehru Path, Patna -800 015.
2. The Secretary, Inspector General of Registration cum Excise Commissioner, the Prohibition, Excise and Registration Department, Government of Bihar, Vikas Bhawan, New Secretariat, Nehru Path, Patna -800 015.
3. The Collector cum District Magistrate, Kaimur, Bhabua.
4. The In Charge, Senior Deputy Collector, Legal Branch, Kaimur, Bhabua.
5. The Registrar, District Registration Office, Bhabua, District -
6. The Circle Officer, Bhabua Circle, District - Kaimur, Bhabua
7. Kavita Kunwar aka Kavita Kuer, wife of Shaktidhar Singh aka Mantu Singh, daughter of Satyendra Singh, resident of ward no. 6, Sion Cannal Road, Police Station Bhabua, District - Kaimur, Bhabua, presently residing at c/o Satyendra Singh, Akhlaapur Bus Stand, near Babji Pokhra, Police Station - Bhabua, District - Kaimur, Bhabua

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 18-12-2023 Heard the parties.

2. Despite valid service of notice, respondent No. 7 has not appeared.

3. This application has been filed by the petitioner praying for following reliefs:-

a). For quashing the Miscellaneous Case No. 07 of 2017-2018, including the order dated 02.06.2017 passed by the District Magistrate, Kaimur.

b). For restraining the respondent No. 3 to exercise including further proceeding with the Misc. Case No. 7 of 2017-2018.



c). For quashing the letter No. 1613, dated 20.06.2017 issued by the respondent No. 4.

d). For a direction to the respondent No. 5 to remove the land mentioned therein, from the Restriction Register maintained by the Prohibition, Excise and Registration Department, Government of Bihar for the lands which are restricted for sale.

e). For a direction to the respondent No. 3 to pay reasonable compensation for the loss and injury caused by the arbitrary and capricious action on the part of the respondents.

4. It has been submitted by the learned counsel for the petitioner that in response to the petition dated filed by the respondent No. 7, in the Court of Collector, Kaimur, a case bearing Misc. Case No. 07 of 2017-18 has been registered in which it has been prayed by the respondent No. 7 being the daughter-in-law of Late Nathuni Singh to put prohibition on the sale of the land mentioned therein but it is relevant to mention here that prayer of the respondent No. 7 is not maintainable in the eye of law as the same is not the jurisdiction of the Collector.

5. It has further been submitted by the learned counsel for the petitioner that the impugned order has been



passed without any jurisdiction on the application of the respondent No. 7 and there is no order by any competent Court or authority on the basis of which the Sub-Registrar can prohibit the sale of the land belonging to the petitioner.

6. Learned counsel for the petitioner further submits that respondent No. 7 is an accused of murder in the killing of her own father-in-law and thereafter she has created all these troubles.

7. A counter affidavit has been filed by the respondent No. 3 and it has been contended by him that respondent No. 7 had filed an application saying that she is the widow of late Shaktidhar Singh, the only son of Nathuni Singh and Prema Devi and she was thrown out with her two minor children from her matrimonial house. She has also alleged of domestic violence and manhandling at the hand of the petitioner and other family members and non-payment of maintenance to her and her two minor children and considering the complaint of respondent No. 7, the impugned order dated 2.6.2017 has been passed by the Collector.

8. On this, learned counsel for the petitioner submits that if the respondent No. 7 has any grievance then she could have filed an appropriate proceeding in the Family Court /



before the Magistrate under the Domestic Violence Act or should had filed a Title Suit but nothing has been done.

9. I have considered the submission of both the parties.

10. The impugned order dated 02.06.2017 passed by the District Magistrate, Kaimur is illegal as the registration of the land cannot be stopped by him on the mere complaint by a private person. If there is order of any competent court or authority under any law then only the registration can be stopped.

11. In view of the above discussion, this application is allowed.

12. Accordingly, the order dated 02.06.2017 passed by the District Magistrate, Kaimur in Misc. Case No. 07 of 2017-18 is hereby quashed.

13. The petitioner is free to transfer any land belonging to her and the Collector, Kaimur will not create any hindrance on any application by any third party.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

