

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12851 of 2021

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Mamta Mishra W/o Sunil Kumar Mishra Resident of Ward No.-4, Village-
Adhkhami, Sutihara Ram, P.S.-Sitamarhi, District-Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Circle Officer, Dumra.
4. The District Registration Officer, Sitamarhi.
5. The District Sub-Registrar, Sitamarhi.
6. The District Manager, State Food Corporation, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Maya Nand Jha, Sr. Advocate Mr. Uday Kumar, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18 Mr. Navnit Kumar, A.C. to G.P.-18
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-04-2024 Heard learned counsel appearing for the respective parties.

2. This writ petition has been filed for the following reliefs:-

“i. For issuance of appropriate writ in the nature of mandamus seeking direction to Respondent to accept the document which was presented for registration of Sale Deed before him but the same was denied in view of Letter No.352 dated 19.03.2020 issued from the Office of Collector,



Sitamarhi who had directed to district Sub-Registrar, Sitamarhi to not register and document in which title has vested in favour of Lal Babu Hasan (Vendor of Petition) but Respondents Authority are denying for registration of those document also in which title was transferred in favour of petitioner prior to issuance of agreement and there is violation of provision of Registration Act.

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 364, Khesra No. 585, Thana No.315 having total area of 22 decimal situated at Mauza Rajopatti in the district of Sitamarhi as the land in question belongs to petitioner which has been purchased by him through registered sale deed dated 01.08.2012 and after purchase his name was mutated and she has been paying the rent after coming in possession over the land therefore Food Corporation department has no business to issue any letter relating to land of petitioner.”

3. The prayer of the petitioner is that the sale deed presented by him should be registered as the same has been denied pursuant to the letter dated 19.03.2020 issued by the Collector, Sitamarhi.



4. It is an admitted position that the petitioner purchased the land in question from one Md. Lal Babu Hasan on 01.08.2012. Subsequently, the vendor of the petitioner has entered into an agreement with B.S.F.C. as a rice miller and has given the description of the land which has already been sold to the petitioner showing the same as his land and because of the aforesaid circumstances, the B.S.F.C. and the Collector have denied to register the sale deed.

5. Once the land has been transferred the same should not have been mortgaged by Md. Lal Babu Hasan. If such statement has been made by him then he has committed a fraud with the B.S.F.C. but because of the said fraud of Md. Lal Babu Hasan, the petitioner cannot be denied to transfer his land.

6. In view of the aforesaid, the letter dated 19.03.2020 issued by the Collector, Sitmarhi is hereby quashed. The respondent authorities are directed to register the transfer of the land for which sale deed has been presented by the petitioner. The B.S.F.C. can initiate appropriate civil and criminal proceedings against said Md. Lal Babu Hasan for the fraud he has committed with BSFC.

7. With the aforesaid observations and directions, this writ petition is allowed.



8. Let a copy of this order be communicated to the Collector, Sitamarhi forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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