

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16066 of 2021

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Rina Kumari Wife of Sri Rajesh Kumar, resident of near Old Electrical Office, Gola Road, Gajadhar Chak, Danapur, Post Office - Danapur Cantonment, Police Station- Danapur, Patna - 801503, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Joint Secretary, Registration, Registration Excise and Prohibition Department Government of Bihar, Patna.
4. The Inspector General of Registration, Registration, Excise and Prohibition Department Government of Bihar, Patna.
5. The Assistant Inspector General of Registration, Registration, Excise and Prohibition Department Government of Bihar, Patna.
6. The Assistant, Inspector General of Registration, Patna Division, Patna.
7. The District Magistrate-cum-District Registrar, Patna.
8. The District Sub-Registrar, Patna.
9. The Sub-Registrar, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratik Kumar Sinha, Advocate
For the Respondent/s : Mr.P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-02-2024 Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

“(i) To issue a writ of mandamus upon the respondents authorities directing them, particularly respondent no. 7, District Magistrate- cum-District Registrar, Patna and respondent no. 9, Sub-Registrar, Danapur to register the sale-deed dated 5/3/2021, which has been executed in favour of the petitioner (vendee)



by one Shri Krishna Kumar Singh, S/o. Late Shakaldeep Singh (Vendor) on 5/3/2021 pertaining to a piece of land having an area of 1 Katha 2 Dhurs equivalent to 3.4375 dec. bearing Khata No. 349, Survey Plot No. 404, Village-Danapur, Gola Road, Purani Bashti, (Gajadhar Chak), Pargana-Phulwari Shariff,, Thana No. 21;

(ii) To issue further order/orders or writ/writs or direction/directions upon the state respondents directing them to pay suitable compensation to the petitioner as due to their inaction till date the sale deed executed on 5/3/2021 has not been registered leading to mental agony and financial hardship in as much consideration amount of Rs. 38,68,000/- from more than four months is with the vendor and also the stamp duty of Rs. 1,20,500 alongwith the Registration Fee of Rs, 73,492/- and other miscellaneous charges totalling to Rs. 1,95,042 is lying in the coffers of the state government;

(iii) To issue further order/orders or writs/writs direction/directions directing the higher official respondents to initiate proceedings against the responsible official on whose instance the sale-deed dated 5/3/2021 has not been registered till date in terms of the Indian Registration Act, 1908 (hereinafter referred as to 'the Act') because such action/act, inaction/omission amounts to colourable and arbitrary exercise of power”

3. Learned counsel for the petitioner submits that the Sub-Registrar, Danapur has filed an affidavit that he is ready for registering the document.

4. Learned counsel for the petitioner submits that the original vendor has died and now the problem may arise before the Sub-Registrar that he may ask for the presence of the legal heirs of the vendor. Learned counsel further submits that once



the sale deed was presented for registration and it was duly executed, the Registration can be done in absence of the vendor who has died and his legal heirs are not required to appear. Learned counsel for the petitioner relies upon a Division Bench judgment of this Court in the case of **Janki Devi vs. Dharamnath Prasad & Ors.** reported as **AIR 1984 Patna 149.**

5. The petitioner is directed to approach the Sub-Registrar along with the judgment in the case of **Janki Devi** (supra) and the Sub-Registrar, Danapur will do the necessary within 15 days from the date of communication/production of a copy of this order, in accordance with law.

6. This application is disposed of in the aforesaid terms.

(Sandeep Kumar, J)

P. Kumar

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