

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11531 of 2023

1. Deepak Kumar Sah Son of Ajeet Kumar Sah, Resident of Purani Adalat Mirganj Ara, P.S-Ara Nagar, Dist. Bhojpur, Bihar.
2. Sangita Devi Wife of Sri Anil Kumar, Resident of Mohalla- Kaji Tola, Ara, P.S- Ara Nagar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through it Principal Secretary, Revenue and Land Reforms Department, State of Bihar at Patna.
2. The Principal Secretary, Prohibition, Excise Registration Department, Govt. of Bihar, Patna.
3. The Collector, Bhojpur at Ara.
4. The District Sub-Registrar Registration Department, Bhojpur at Ara.
5. The Superintendent of Police, Special Vigilance Unit, Patna.
6. The Superintendent of Police, Special Vigilance Unit, Patna.
7. The D.S.P Special Vigilance Unit (S.V.I) Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dharmesh Kumar Shrivastava, Advocate
For the State	:	Mr. Manoj Kumar Sinha, AC to SC-19
For SVU	:	Mr. Rana Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-04-2024 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of Special Vigilance Unit, Patna.

2. The petitioners have prayed for the following reliefs:

(i) for issuance of direction to the respondent authorities particularly to the Respondent No. 4 to register



the Document of sale deed executed on 10.03.23 by Petitioner No. 1 in favour of Sone Devi, W/o- Bablu Yadav in respect of Area 12.5 decimals land of Khata No. 76, Khesra No. 708 situated under Mauza- Basantpur which was presented before the Respondent No. 4 after depositing the valid court fee on 03.04.2023 for its registration but it was not registered and the said document was return stating the ground that the Plot No. 708 of the said Mauza for which the registration is stay by DSP/SVI vide Reference No. 1/2015 by quashing the alleged stay of passed in order reference 1/2015 by DSP/S.V (Annexure-4A) by the Respondent No. 7 since the land cover under the sale deed for which the Execution has been



made on 10.04.23 had been purchased by the Petitioner No. 1 vide sale deed No. 1956 dated 22.02.2013 from Jitendra Kumar.

3. The counter affidavit of the respondent no.4, the District Sub Registrar, Bhojpur at Ara is on record and paragraphs 5 to 8 read as follows:

"5 that as submitted by the petitioners and as manifest from the sale deed annexed as Annexure-2 series of the writ petition, the petitioners were the purchaser of the land in question from one Jitendra Kumar and Yogesh Kumar Gupta on 20.02.2013 22.02.2013 respectively, who had purchased the same Land on 08.02.2013, just 12 days before, from Sharadendu Bhushan and his wife Amrita Singh;

6. that the deponent further submits that Sharadendu Bhushan was an Assistant Engineer, Road Construction Department, Government of Bihar at Hilsa (Nalanda) and



*has purchased the land in question in name
the of himself and his wife Amrita Singh on
03.12.2010;*

*7. that in this regard the deponent further
state and submit that under section 13 (2)
r/w 13(1)(c) of the Prevention of Corruption
Act, 1988 the Special Vigilance Unit lodged
a FIR at Patna on 30.06.2015 (Annexure- 1
of the writ petition) against the Sharadendu
Bhushan. The Sale Deed of Government of
Bihar, in respect of the said land in question
shows "STAY" on direction of D.S.P./S.V.I.
with respect of FIR 01/2015 dated 30.06.15.*

4. In view of the aforesaid counter affidavit of the
respondent no.4, this Court vide an order dated 1.4.2024
directed the Special Vigilance Unit to file its response.

5. Today on call, Mr. Rana Vikram Singh, learned
Special P.P. has provided counter affidavit of respondent nos. 5
to 7 and paragraph-6 read as follows:

*"that it is worthwhile to mention
here that after investigation the
land in question has not been taken*



as assets of the accused Shardendu Bhushan or his family members as it was sold before the check period. The same land is not in the proposal for confiscation of properties submitted in the case. As far as the view of the SVU is concerned it is not a case property of the case under reference".

6. The case of the petitioners is/are that purchases were made by the couple on 20.2.2013/22.2.2013 while the FIR was lodged on 30.6.2015. Clearly, the sale/purchase took place prior to the year 2015 and in view of the categorical statement made by 'the SVU' that it was before the check period (2015), the respondent no.4 is duty bound to act in accordance with law, if the documents provided by the petitioners is/are in order.

7. Learned counsel for the petitioners submits that entire documents alongwith stamp duty has/have been deposited/submitted and now it is for the respondent no.4, the Sub Registrar, Bhojpur to dispose it of.

8. This Court in the aforesaid facts and circumstances directs the respondent no.4 to consider the application of the



petitioner and if the documents/stamp duty paid is/are in order, he has to take necessary decision, if still not taken within a period of eight weeks from today. The said order has been passed in the presence of the learned counsel for the petitioners, the State Counsel as also the learned counsel representing the SVU.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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