

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.912 of 2018
In
Letters Patent Appeal No.151 of 2016

Dr. Deo Prasoon son of Shree Ram Kumar Das, resident of DR. Prasoon Jaach Ghar, Minraiva Press Building, Narayan Dass Road, Police Station-Kotwali, Post and District- Munger Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Vivek Kumar Singh, Commissioner Cum Secretary, Department Of Revenue
2. Mr. Uday Kumar Singh Collector-cum-District Registrar, Munger, Munger Collectrate, Fort Area, Polic
3. Mr. Aditya Kumar Das Secretary-cum-Inspector, General of Registration Department of Registration, N
4. Mr. Raj Kumar Jha Sub-Registrar, Munger, Sub-Registry Officer, Munger, Fort Area, Munger, Police St

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Sanket, Advocate
For the State	:	Mr. Md. Khurshid Alam - Aag 12
For the Intervenor	:	Mr. Sanjay Singh, Sr. Advocate Mr. Yash Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

10 22-08-2024 (Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)
 Ref: M.J.C. No. 912 of 2018

The present contempt petition is arising out of order dated 21.10.2014 passed in C.W.J.C. No. 12726 of 2012. The directions of this Court by the learned Single Judge reads as under:

“9. Therefore, in my view, this writ petition has got merit and accordingly, this writ petition stands allowed. As a result thereof, the letter no. 226 dated 03.07.2003 issued by the Collector-cum-District Registrar, Munger is, hereby, quashed and



the registering authorities are directed not to refuse the registration of deeds presented by the petitioner before them and register the same in accordance with the law and rules.”

2. Feeling aggrieved by the order of the learned Single Judge, State preferred L.P.A. No. 151 of 2016, which was dismissed on 15.01.2018. Further, State preferred S.L.P. before the Hon’ble Supreme Court in Special Leave to Appeal No. 23853 of 2018. Order of the Hon’ble Supreme Court dated 02.08.2022 reads as under:-

“The argument of Mr. Narender Hooda, learned senior counsel appearing for the State, is that the large are of land is a state land. However, the said question need not be examined in the present case, as only 6 Bighas and 2 Biswas is said to have been purchased by the respondent way-back in the year 1961.

In view of the facts of the case, we do not find any reason to interfere with the impugned order passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

However, the entire Kaiser-e-Hind land (Tauzi No. 1333) will not be treated to be vested in individuals by virtue of this order or the order of the High Court.



*Pending interlocutory application
(s), if any, is/are disposed of.”*

3. In this backdrop, question for consideration is whether petitioner is entitled to have the benefit of registration of subject land or not. The petitioner's father is stated to have purchased subject matter of land in the year 1961 and he died in the year 2020 resultantly, necessary mutation entry is warranted in favour of legal heirs of the deceased, Sri Ram Kumar Das. The petitioner and his brother have not approached the Revenue authorities to get their names entered in the mutation so as to take further steps for registration of subject land in their names, on the other hand, by passing the mutation entry process, the petitioner had preferred a writ petition with a prayer for registration of documents. The writ petition was decided only for the purpose of registration of the documents. As on this day, the documents of the subject land is not in the name of petitioner. Therefore, in the guise of registration of subject land before the Collector-cum-District Registrar, Munger, the petitioner is seeking entry of his name in the mutation, the same cannot be adjudicated in the present contempt petition.

4. Scope of contempt petition is limited to the extent whether order of the learned Single Judge dated 21.10.2014



decided in C.W.J.C. No. 12726 of 2012 is complied or not.

5. The Collector-cum-District Registrar, Munger has administrative and a practical difficulty in accepting the documents for registration for the reasons that documents of the subject land is not standing in the name of the petitioner and it stands even to this day in his father's name. Therefore unless and until revenue records are set right and stands in the name of the petitioner or legal heirs of deceased Sr. Ram Kumar Das, then only the question of the registration of the subject land in the name of the petitioner or legal heirs or deceased Sr. Ram Kumar Das would arise. Therefore, the petitioner has not made out a case for initiating contempt proceeding in not registering documents. For the purpose of registration of subject land either in the name of petitioner or legal heirs of deceased Ram Kumar Das. No documents are standing in the name of petitioner. Therefore, there is impracticable to comply directions of the learned Single Judge order dated 21.10.2014 passed in C.W.J.C. No. 12726 of 2012. M.J.C. No. 912 of 2018 (contempt petition) stands dismissed.

Ref: I.A. No. 02 of 2024

Heard I.A. No. 02 of 2024, Dev Ashish who is brother of the petitioner - Dr. Deo Prasoon intends to come on record



and assist in the present contempt petition as intervenor applicant.

2. Having regard to the aforementioned order in M.J.C. No. 912 of 2018, the I.A. No. 02 of 2024 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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