

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1668 of 2023

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Bhuneshwar Bhuiyan @ Bhuneshwar Manjhi Son of Late Chauthi Bhuiyan @
Chandi Bhuiyan @ Chauthi Manjhi Resident of Village/Mohalla- Budhi, P.S.-
Mufassil, District- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of
Excise Prohibition and Registration, Government of Bihar
2. The Inspector General of Registration, Government of Bihar
3. The District Magistrate Gaya
4. The District Sub Registrar Gaya
5. The Circle Officer, Manpur, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar Singh, Adv.
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 08-10-2024

The present writ petition has been filed for directing the Respondents to remove the plot of the petitioner, appertaining to Khata No. 161, Khesra No. 1132, ad-measuring 2 acres 18 decimals, situated at Mauza-Budhi, Thana No. 547, District- Gaya, from the list of prohibited plots, with regard to which registry has been banned. The petitioner has also prayed for directing the Respondents to permit registration of the sale deed, pertaining to the raiyati land of the petitioner.

2. The learned counsel for the petitioner has submitted that the petitioner had filed a title suit bearing Title Suit No. 271 of



2015 / 315 of 2014 before the learned Civil Court, Gaya and the learned Court of Sub-Judge X, Gaya, by a judgment dated 18.10.2017 and decree dated 30.10.2017, has decreed the suit in favour of the petitioner, hence, it is submitted that the Respondent authorities cannot create any impediment, as far as the right of the petitioner to deal with the same, is concerned.

3. *Per contra*, though the learned counsel for the Respondent-State has submitted that the Respondents have filed a title appeal bearing Title Appeal No. 18 of 2023, against the aforesaid judgment dated 18.10.2017 and decree dated 30.10.2017, passed in Title Suit No. 271 of 2015 / 315 of 2014, which is pending consideration before the learned Court of District Judge, Civil Court Gaya, however, since no stay has been granted in favour of the Respondents, the sale deed pertaining to the aforesaid land of the petitioner can be registered, but subject to the final outcome of the aforesaid title appeal.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Respondent authorities to remove the aforesaid plot of the petitioner from the list of prohibited plots and permit registration of the sale deeds in question, however subject to the petitioner fulfilling the



necessary statutory requirements as also paying the requisite registration charges / stamp duty, which shall be subject to the final outcome of the aforesaid Title Appeal No. 18 of 2023, filed by the Respondents.

5. At this juncture, the learned counsel for the Respondent-State submits that in case stay has been granted by the learned Trial Court in connection with the aforesaid Title Appeal No. 18 of 2023, in favour of the Respondent-State and against the petitioner, the Respondents be permitted to keep in abeyance the registration of the sale deed in question, till the final disposal of the said Title Appeal. Permission so sought is granted.

6. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2024
Transmission Date	NA

