

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13430 of 2016

-
1. Subhash Chaudhary Son of Kamal Prasad, Resident of Village - Paithanpati Police Station - Manjhagarh, District- Gopalganj.
 2. Krishna Chaudhary Son of Kamal Prasad Resident of Village - Paithanpati Police Station - Manjhagarh, District- Gopalganj.
 3. Rajkishore Chaudhary Son of Kamal Prasad, Resident of Village - Paithanpati Police Station - Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue Department, Gopalganj.
2. The District Registrar - cum- Collector Gopalganj.
3. The District Sub Registrar, Gopalganj.
4. Smt. Kalavati Devi D/o Late Lakhi Chandra Chaudhari, Resident of Village - Paithanpati Police Station - Manjhagarh, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma, Adv Mr. Radha Mohan Pandey, Adv
For the State	:	Mr. Dhurjati Kumar Prasad, GP14 Mr. Raj Kishore Roy, GP-18
For Res. No. 4	:	Mr. Lokesh Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 23-07-2025 Heard learned counsel appearing for the petitioners,

learned counsel appearing for respondent-State and learned

counsel appearing for respondent no. 4.

2. The present writ application has been filed for setting aside the order dated 05.05.2016 passed in Zaburia Appeal No. 2/1991/01/2007 through which the Collector-cum-Registrar, Gopalganj has refused to register the document and dropped the proceeding. As per the petitioners, the same has



been done illegally without assigning any cogent and legal reasoning.

3. Learned counsel for the respondent-State, at the outset, raises issue of maintainability of the present writ application by contending that the order which has been impugned in the present writ application is an order passed in purported exercise of power under Section 76 of the Registration Act, 1908 which can only be challenged in a suit before a competent civil court under Section 77 of the said act.

4. Learned counsel appearing for the petitioners submits that he is prepared to withdraw the present writ application if this Court would grant the liberty to the petitioners to file a suit under Section 77 of the Registration Act, 1908.

5. To this prayer being made by learned counsel for the petitioners, the respondents do not have any objection.

6. As prayed for by learned counsel for the petitioners, this writ application is disposed of as withdrawn with liberty to the petitioners to challenge the impugned order by filing a suit under Section 77 of the Registration Act, 1908. Such suit must be filed within a period of two months from today and the same will be decided in accordance with law. The delay in filing the suit on account of pendency of the present



writ application will be considered for condonation by the civil court.

7. With the aforesaid observation and direction, this writ application is disposed of as withdrawn with the aforesaid liberty granted.

(Alok Kumar Sinha, J)

kiran/-

U			
---	--	--	--

