

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.559 of 2022

In
Civil Writ Jurisdiction Case No.1281 of 2019

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1. The State of Bihar through the Principal Secretary Revenue and Land Reforms, Patna.
 2. The Inspector General of Registration, Govt. of Bihar, Patna.
 3. The Collector-Cum-District Magistrate, Patna.
 4. The Additional Inspector General of Registration, Patna, Bihar.
 5. The District Sub-Registrar, Sub-Registry Office Bikram, District- Patna, Bihar.

... .. Appellant/s

Versus

Raj Kumar Sharma S/o Late Krishna Kumar Sharma Resident of Village and P.O. Shahar Rampur, P.S. Naubatpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rewti Kant Raman, AC to SC 11
For the Respondent/s	:	Ms. Prakritita Sharma, Advocate
		Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-07-2025

In the instant appeal, appellants have assailed the order of the learned Single Judge dated 02.08.2022 passed in CWJC No. 1281 of 2019. Respondent – *Raj Kumar Sharma* in the writ petition has prayed for the following reliefs :

“i. To quash the order dated 29.05.2015 passed in Case No-21 / 2014 under the signature of Additional Inspector General of Registration, Patna by which the ex-parte order



has been passed accepting the reference made by the District Sub – Registrar, Bikram, without following the due procedure of law.

ii. To quash the Letter No. 292 dated 04.06.2015 in Case No.-21/2014 passed by the Additional Inspector General, Registration, Patna.

iii. To grant permission to add, amend, modify or other wise vary the grounds in support of this writ.

iv. To grant any other relief or reliefs to which the petitioner is otherwise found entitled to along with the cost of the litigation throughout.”

2. The learned Single Judge has not taken note of and appreciated delay and laches on the part of the respondent – *Raj Kumar Sharma* in view of the fact that he had presented the document for the purpose of registration before the jurisdictional Sub-Registrar on 28.10.2013. The document was not registered in accordance with law, this is evident from the material on record to the extent that the respondent is not in possession of alleged registered document and even to this day. In order to ascertain whether the document produced by the respondent on 28.10.2013 was registered or not, to that extent we have summoned the appellants / State to furnish the original records



relating to registration of the document dated 28.10.2013 presented by the respondent.

3. Perusal of the original records, it is evident that registration of the document presented by the respondent is incomplete. The then Sub-Registrar proceeded to furnish the papers to the next higher authority on certain deficiencies, therefore, the respondent had cause of action to invoke remedy before this Court in seeking a direction to release the alleged stated to be registered document presented by him on 28.10.2013 within a period of one year from the date of presentation of the document on 28.10.2013 to the extent of seeking writ of mandamus. On the other hand, he has slept over the matter and waiting for some communication from the appellants / State. The appellants / State have rejected the respondent's Case No. 21 of 2014 on 29.05.2015. Thereafter, the respondent has presented the writ petition on 19.01.2019. There is delay and laches on the part of the respondent in not invoking the remedy before this Court in filing the writ petition within a reasonable period of time from the date of cause of action accrued with reference to the date of presentation of the document for registration on 28.10.2013 read with impugned communication dated 29.05.2015 in the writ



petition, therefore, the learned Single Judge has committed error in entertaining stale claim of the respondent.

4. While examining the merits of the case, it is to be noticed that document presented on behalf of the respondent on 28.10.2013 for the purpose of registration, the Sub-Registrar has not completed the process of registration as is evident from the original records summoned from the appellants / State. It is also further submitted that respondent does not possess the document registered and to contend that it was registered.

5. Learned counsel for the respondent submitted that appellants have failed to appreciate sub-Rule (2) and (3) of Rule 9, Rule 19 (x) and Rule 20 of Bihar Registration Rules, 2008. The same cannot be examined in view of the fact that the present appeal is allowed only with reference to the conduct of the respondent insofar as adjudicating the matter belatedly. The Hon'ble Supreme Court in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in **AIR 2016 SC 3006, Paragraph-20**, it is held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-



“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

Underline Supplied

One of the issue to be examined by the writ court is relating to delay and laches. The said principle is attracted insofar as rejection of CWJC No. 1281 of 2019. In the light of these facts and circumstances, the appellants / State have made out a case so as to interfere with the order of the learned Single Judge dated 02.08.2022 passed in CWJC No. 1281 of 2019 and it is set aside. CWJC No. 1281 of 2019 stands rejected. Accordingly, present LPA No. 559 of 2022 is allowed.

6. Pending I.A., if any, stands dispose of.

7. At this stage, learned counsel for the appellants, on instruction, submitted that document dated 28.10.2013 read with the order of the learned Single Judge dated 02.08.2022 passed in



CWJC No. 1281 of 2019 and MJC No. 1722 of 2023 on 03.02.2024, the document was registered, therefore, virtually present litigation has become infructuous. However, registration of document was subject to outcome of this LPA as ordered by the concerned appellant. In view of the later development, appellants are permitted to resort to collect shortage of registration fees and penalty from the respondent strictly in accordance with law after due notice.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	NA

