

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3573 of 2026

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Kumari Sunita Rani D/o Pramanand Ray, Wife of Kumud Kishore, Resident of Village-Sabalpur, Hasti Tola, P.S.-Rupaspur Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, District-Patna.
4. The Registrar, Registry Office, Patna.
5. Dinesh Kumar, S/o Rajdev Ray, Resident of Village-Mahuabagh, P.O.-Dhanaut, P.S.-Rupaspur, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Shadab Alam Wazdi, Advocate
For the Respondent/s : Mr.Manish Kumar, GP (04)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-04-2026 Heard tMr.Md. Shadab Alam Wazdi, learned counsel
for the petitioner and Mr.Manish Kumar, learned GP-04.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of an appropriate writ in the
nature of MANDAMUS or any other writ(s),
order(s), direction(s), command(s) for
directing the respondents to cancel the sale
deed vide sale deed no.6068 in book no 1.
volume no.140 on pages from 466 to 475
and has been preserved in total 10 pages in*



C.D. No.21 year 2019 dated 12.03.2019.

3. The petitioner who is the wife of Kumud Kishore is aggrieved by his action in selling a piece of land to the respondent no.5 on 12.03.2019.

4. The contention is that the father-in-law of the petitioner purchased the said land in the year 2002 and as such beside Kumud Kishore who is the only son of her father-in-law, the daughters and sons who have come to this world out of the said wedlock also entitled to the share but the friend of the husband of the petitioner who is respondent no.5 fraudulently got the sale-deed executed.

5. Learned G.P.-04 made preliminary objection and submits that neither the husband who is the vendor has been made respondent in this case nor there is anything on record to show that for the said fraudulent act, the petitioner lodged any criminal case and rightly so as in that case, the husband may have also been dragged in the said case. He has taken this Court to paragraph-8 of the counter affidavit, according to which, the petitioner can very well invoke **Section 31 of the Specific Act, 1963** (henceforth for short '**the Act**') for cancellation of the sale-deed.

6. Section 31 of '**the Act**' read as follows:



31. When cancellation may be ordered.-(1)

Any person against whom a written instrument is void or voidable, and who has reasonable apprehension that such instrument, if left outstanding may cause him serious injury, may sue to have it adjudged void or voidable; and the Court may, in its discretion, so adjudge it and order it to be delivered up and cancelled.

(2) If the instrument has been registered under the Indian Registration Act, 1908 (16 of 1908), the Court shall also send a copy of its decree to the officer in whose office the instrument has been so registered; and such officer shall note on the copy of the instrument contained in his books the fact of its cancellation.

5. This Court has taken note of the facts of the case and the submissions of the parties as also section 31 of 'the Act', the admitted fact is that transaction took place in the year 2019, the writ petition has been filed after seven years. Worse, the husband, Kumud Kishore has not been made respondent, in



that background, no relief can be extended to her.

6. The writ petition is disposed of allowing the petitioner to approach the competent authority under section 31 of ‘the Act’, if she so wants.

(Rajiv Roy, J)

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