IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 8270 of 2026

Bishwanath Daruka, S/o Late Satyanarayan Daruka, R/o Ranchi Patna Road, Near State Bank of India, Ward No. 09, PO & PS-Koderma, District-Koderma ... … Petitioner

Versus

1. The State of Jharkhand, through the Principal Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, Ranchi
2. The Deputy Commissioner-cum-District Registrar, Koderma
3. The District Sub-Registrar, Koderma … … Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Sachin Kumar, Advocate
[Through Online mode]
Mr. Gaurav Raj, Advocate
For the Respondents : Mr. Anish Kumar Mishra, AC to Sr. SC-I

Order No. 05 **Dated: 19.11.2026**

1. The present writ petition has been filed for issuance of direction to the respondent no. 3 – the District Sub-Registrar, Koderma to accept, process and register the sale deed presented by the petitioner being the vendor of the land appertaining to Khata No. 28, Plot Nos. 18, 19 and 20, measuring an area of 17 decimals at Mouza-Baherwatand, Thana No. 330, District-Koderma as the petitioner has fulfilled all the statutory requirements including payment of stamp duty and registration fees.

2. Learned counsel for the petitioner, in course of argument, refers to the details/history of the land as mentioned in different paragraphs of the writ petition. It is also submitted that the petitioner has the lawful right and title over the land in question. The petitioner, with an intent to sell the aforesaid land to one Pramod Kumar for consideration of Rs.25,00,000/-, entered into an agreement for sale dated 18.09.2024 (Stamp

No. B 824611) with him. He has also received full consideration of Rs.25,00,000/- through online banking transaction from the proposed purchaser i.e., Pramod Kumar. Accordingly, he submitted online application before the respondent no. 3 seeking registration of the sale deed and a 'Pre Registration Docket' was generated on 17.07.2026.

3. It is further submitted that the stamp duty of Rs.1,20,280/- was also purchased by Pramod Kumar. The grievance of the petitioner is that the respondent no. 3 is not taking steps to register the sale deed presented by the petitioner and Pramod Kumar, despite fulfillment of all the requirements under the provisions of the Registration Act, 1908. The petitioner has been orally informed by the respondent no. 3 that since the land in question is being shown as *Gair Mazarua Khas* in the old Cadastral Survey records of 1910-11, the same cannot be admitted for registration.

4. It is further argued that the registering authority cannot refuse registration of the sale deed merely on the ground that the land was recorded as *Gair Mazarua Khas* during the Cadastral Survey. In fact, over these years, several sale deeds with respect to the said land have been executed, mutations have been allowed and rent receipts have been issued. Under the said circumstance, the petitioner has preferred the present writ petition.

5. Mr. Anish Kumar Mishra, AC to Sr. SC-I appearing on behalf of the respondents, submits that there is no document available

on record which suggests that the respondent no. 3 has refused registration of the land in question as contended by the learned counsel for the petitioner.

6. Heard learned counsel for the parties and perused the materials available on record.

7. The petitioner has specifically contended in the writ petition that he has presented the sale deed with respect to the land in question and he along with the purchaser— Pramod Kumar, has fulfilled all the requirements of the Registration Act, 1908 and the Rules framed thereunder. The petitioner has also stated in the writ petition that a 'Pre Registration Docket' was generated on 17.07.2026, however, the respondent no. 3 orally informed the petitioner that the presented document cannot be registered as the land is being shown as *Gair Mazarua Khas* in the old Cadastral Survey records. However, there is no document on record to suggest that the respondent no. 3 has refused the registration of the document presented by the petitioner and the purchaser— Pramod Kumar.

8. It would be relevant here to mention the provisions of Section 71 of the Act, 1908, which reads as under:

> **71. Reasons of refusal to register to be recorded.–**(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

> (2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered."

9. On bare perusal of the provisions of Section 71 of the Act, 1908, it would be evident that if the District Sub-Registrar refuses to register a document, he is required to pass an order of refusal by recording his reasons for the same in the relevant book with an endorsement on the document that the registration has been refused. Section 72 of the Act, 1908 also provides a forum of appeal before the Registrar against the order of the Sub-Registrar refusing to admit a document to registration.

10. The aforesaid provisions of the Act, 1908 make it clear that the District Sub-Registrar on presentation of document before him, cannot keep the same pending without any reason and if he does not intend to register the document so presented after fulfilling the requirements of the Act, 1908 and the Rules framed thereunder, he has to pass an order of refusal of registration with an endorsement on the document that the registration has been refused.

11. Thus, without entering into the merit of the contention of the petitioner with respect to the details/history of the land in question, if the petitioner presents the document (i.e., the sale deed) with respect to the land in question for registration before the respondent no. 3, the said respondent shall either admit the same for registration or

refuse the registration by passing an order in terms with the provisions of Section 71 of the Act, 1908 as mentioned hereinabove. The respondent no. 3 is directed to conclude the said exercise positively within four weeks from the date of presentation of the said document by the petitioner.

12. The writ petition is accordingly disposed of in terms with the aforesaid observation and direction.

(Rajesh Shankar, J.)

November 19, 2026
Manish

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