
(2020) 11 PAT CK 0095

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8532 Of 2020

Saroj Devi And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Nov. 27, 2020

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ajay Prasad, Vivek Prasad, Manisha Singh, Aditya Prakash Sahay

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Prasad, learned counsel for the petitioners; Mr. Vivek Prasad, learned GP 7 along with Ms. Manisha Singh, learned AC to GP 7

for the State and Mr. Aditya Prakash Sahay, learned counsel for the respondents no. 5 and 6.

3. The petitioners have moved the Court for the following reliefs:

â€œ(i) For issuance of a direction to the respondent authority not to register the sale deed in connection with double stories building under Nagar

Parishad, Lakhisari bearing Mauza-Mayar Khagaur, Tauji No. 400, 1282, 1286, 1288, 1290 & 1291 and 492, Jamabandi No. 63, area 15 decimal

bearing Holding No. 356 bounded as under: North: Govind Ram Banka South: Shyamsundar Tiwrewal East: Kiul river West: Lakhisarai-Sikandara

main road

(ii) For issuance of a direction to the respondent authority to dispose of the representation dated 03.08.2020 filed by the petitioner before the

respondent, registrar of Registration, Lakhisarai (Respondent No. 3)/before the respondent authority.

(iii) For grant of any other relief/reliefs as your Lordship may deem fit and proper in the interest of justice.â€

4. Learned counsel for the petitioners submitted that he has filed a representation before the respondent no. 3 on 03.08.2020, which is still pending and

the Court may direct that the same be disposed off expeditiously.

5. At this stage, it was pointed out by learned counsel for the State and learned counsel for the respondents no. 5 and 6 that the representation of the

petitioners dated 03.08.2020, which is pending for disposal is addressed to the wrong authority and most importantly, though the private respondents

have been made party in the writ petition but before the authority in the representation, they have not been made a party which indicates that the

petitioners are treating the matter very casually.

6. Faced with the situation, learned counsel for the petitioners submitted that he may be permitted to withdraw the application with liberty to file a

representation before the District Sub Registrar, Lakhisarai with regard to the issues raised in the representation herein in which he would also be

impleading all the parties and would also serve copy of the same on them.

7. Learned counsel for the State and respondents no. 5 and 6 agreed to the same.

8. Having regard to the aforesaid, the writ petition stands disposed off as withdrawn with liberty aforesaid.

9. If the petitioners file representation before the District Sub Registrar, Lakhisarai in the present matter within two weeks from today, after making

all concerned parties and serving copy of the representation to all, the District Sub Registrar, Lakhisarai shall consider and dispose off the same, in

accordance with law, after giving opportunity of hearing to all concerned, within three weeks from the date of filing of the representation.

10. The Court would indicate here that it has not gone into the rival contentions on merits and it would be open to the District Sub Registrar, Lakhisarai

to consider the same and dispose off the representation of the petitioners, in accordance with law, by passing a reasoned order.