
(2025) 06 JH CK 0964
In the Jharkhand High Court
Case No : W.P. (C) No. 1443 Of 2025

Kamal Kumar Pandey

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 23-06-2025

Acts Referred:

Registration Act, 1908 — Section 22A

Citation : (2025) 06 JH CK 0964

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Lukesh Kumar

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

1. Petitioner is before this Court for quashing the list of prohibited land issued for prohibition of registration of transfer of land, which is uploaded on the website of Government of Jharkhand.

2. The main contention of the petitioner is that the law has now been settled by the Division Bench of this Court in W.P.(C) No.5088 of 2018 and connected matters by which Section 22A of the Registration Act, 1908 along with consequential Notification issued under the said provision, has been struck down, under which the land has been put under the prohibited list and is restricted from being transferred.

3. It is submitted by the learned counsel that the land in question is situated at Mouza Panduki, Muza No.90, Thana Govindpur, Circle Govindpur, Khewat No. No.3/25, Khata No.114 (New Khata No.203), Plot No.03 (New Plot No.28), area measuring 15 decimal, Plot No.13 (New Plot No.125) area measuring 1.30 decimal, Plot No.40 (New Plot No.90, area measuring 1.25 acre, Plot No.697 (New Plot No.1047), area measuring 25 decimal, Plot No.314 (New Plot No.503), area measuring 72 decimal, Plot No.315 (New Plot No.507), area measuring 74

decimal, Plot No.697 (New Plot No.1047), area 60 decimal, Plot No.3 (New Plot No.3), area measuring 1.15 acre, total area measuring 6.16 acres in the District of Dhanbad, was purchased by maternal grandfather of the petitioner by registered Sale Deed No.4760 dated 25.06.1940. After coming into force of Bihar Land Reforms Act, 1950, the name of predecessor-in-interest was duly entered in Register II and they are paying rent to the State. As these lands have been put in the prohibited list by Annexure 4 in the notification issued under Section 22A by National Generic Document Registration System, Department of Land Resources, the petitioner's right to transfer their land has been infringed.

4. Learned counsel on behalf of State fairly concedes that the said notification is under Section 22A of the Registration Act, 1908, which has been struck down by Division Bench of this Court. The prohibited list accordingly, stands cancelled and consequently, the clog on registration of the petitioner's land by this notification consequently stands vacated.

Writ Petition is allowed. Interlocutory Application, if any, is disposed of..