
(1992) 12 PAT CK 0010
In the Patna High Court
Case No : C.W.J.C. No. 7044 of 1992

Kamal Rai @ Chathu Rai

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 15-12-1992

Acts Referred:

Registration Act, 1908 — Section 28, 60

Citation : (1993) 1 PLJR 259

Hon'ble Judges : B.P. Singh, J;Aftab Alam, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.P. Singh, J.—Heard counsel for the parties. The petitioner is aggrieved by the order passed by the Collector, Vaishali as contained in Annexure 2 whereby he has directed the District Sub-Registrar not to admit the deed of gift presented by the petitioner for registration u/s 60 of the Indian Registration Act.

2. As it appears from the order three reasons have been given. It firstly stated that the permission of the consolidation authorities has not been taken. It is secondly observed that in view of provisions of Ordinance no. 12/1991 whereby section 28 of the Act has been amended vide gazette notification dated 25.3.91 and published on 26.3.91 the application for registration is not within the spirit of the Amendment Act. Lastly, it is stated that the value declared in the document does not appear to be correct.

3. So far as the first objection is concerned, we find that the Consolidation Officer has given a certificate which is Annexure 1 to the writ petition stating that since the village was not under the consolidation operation on 25.4.1991, the date of presentation of the document for registration, no permission was necessary. We, therefore, find no force in the first objection.

4. Secondly, reference is made to Ordinance no. 12 of 1991 said to have been published on 26.3.91. We find from a copy of the gazette notification produced

before us that the ordinance was published in the State Gazette on 10.6.91 whereas the document was presented for registration on 25.4.1991. Obviously, therefore, the provisions of the ordinance did not apply to the documents in question when it was presented for registration.

5. Lastly, it was submitted that the document appears to be under valued. If that be so, the Collector may take such action in accordance with law as is available to him, but cannot prevent the registration of the document on that ground, in absence of any law vesting in him that power. We, therefore, find that none of the grounds mentioned in Annexure 2 are valid in law. We, therefore, allow this writ petition and direct that the District Sub-Registrar shall now proceed to register the document if he finds that the same has been duly presented and duly executed in accordance with the provisions of the Indian Registration Act. We may only clarify that the mere registration of a document does not confer any valid title unless the same is proved in accordance with law if challenged.