
(2020) 01 PAT CK 0035

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 30 Of 2020

Suresh Kumar Jaisawal

APPELLANT

Vs

State Of Bihar Through The Additional And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Citation : (2020) 01 PAT CK 0035

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Madhurendra Kumar, Kumar Pankaj

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner, and learned AC to SC 5 for the State.

2. The petitioner has moved the Court for the following reliefs:

"A. A Writ in the nature of Mandamus or any other appropriate writ / writs, order / orders, direction / directions commanding the respondents for the following:-

I. To release the Raiyati land of the Petitioner bearing Khata No. 383, Khesara No.1445, Area 0-2-0 Katha situated at Pataura under Circle Office Motihari, District - East Champaran which has been illegally kept on hold/kept in block list for the purpose of Transfer of Land.

II. To direct the Respondent No. 4, the Sub Registrar, Motihari, East Champaran, to register the sale deed presented before him considering the fact that the land bearing Khata No. 383, Khesra No.1445 is the raiyati land of the Petitioner and free from any encumbrance which has illegally be put on block list.

B. To any other relief/ reliefs to which the Petitioner for and the Hon'ble Court deems fit and proper."

3. The petitioner is aggrieved by the fact that his land has been kept in the block

list for the purpose of transfer by the Sub-Registrar, Motihari, in the district of East Champaran. It was submitted that the said land has been found to be raiyati land belonging to the petitioner and not the land of the ex- landlord i.e. Bettiah Raj. Learned counsel submitted that he had also represented before the Collector, Motihari, East Champaran.

4. Learned counsel for the State drew the attention of the Court to Annexure-4, which is a communication of the Inspector General, Registration, Bihar, Patna, dated 03.07.2017, to all the Collectors-cum-District Registrars to examine the matter relating to stay of transfer of land within their jurisdiction. It was submitted that the Collector-cum-District Registrar, Motihari, East Champaran, may be directed to take a decision with regard to the land of the petitioner.

5. Learned counsel for the petitioner agrees to the same.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation before the respondent no. 3 enclosing all supporting documents on the issue. If the same is done within four weeks from today, the respondent no. 3 shall look into the matter and pass a reasoned order on merits within three weeks from the date of filing of the representation, after affording an opportunity of hearing, if so desired, by the petitioner.