
(2021) 03 JH CK 0150
In the Jharkhand High Court
Case No : Writ Petition(C) No. 958 Of 2021

Tarapado Ghosh And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Registration Act, 1908 — Section 71

Citation : (2021) 03 JH CK 0150

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : J.P. Jha, Ranjit Kumar

Final Decision : Disposed Of

Judgement

1. The present case is taken up today through Video conferencing.
2. The present writ petition has been filed for issuance of direction upon the respondent no. 2- the Deputy Commissioner, Sahibganj and the respondent no. 3- the Sub Registrar, Rajmahal to allow the registration of the sale deeds presented by the petitioners before the respondent no. 3 for selling their land to the extent of 16 kathas 19 dhurs appertaining to plot no. 6, Jamabandi No. 18 (part) and plot no. 1114, Jamabandi No. 431 of Mouza- Arajimokimpur and Mouza-Kaswa respectively out of total area of 8 bighas in favour of the intending purchasers.
3. Learned Senior Counsel for the petitioners submits that the petitioners are the full brothers, who have the lawful title and possession over the said land. The petitioners are willing to sell 16 kathas 19 dhurs out of 8 bighas of the aforesaid land to the intending purchasers. Accordingly, they presented the sale deeds before the respondent no. 3, however the said respondent refused to admit the same for registration without assigning any reason whatsoever. Under the said circumstance, the petitioners represented the respondent nos. 2 and 3 requesting inter alia to admit the sale deeds i.e. instrument in question for

registration, however no action in this regard was taken by them which compelled the petitioners to prefer the present writ petition.

4. Mr. Ranjit Kumar, learned A.C. to G.P.-IV appearing on behalf of the respondents, submits that the petitioners have asserted in the writ petition that they have presented the sale deeds before the respondent no. 3 for registration, however they have not disclosed the date of presentation of the same.

5. Heard learned counsel for the parties.

6. The petitioners have claimed that they being in lawful possession over the said land want to sell the part of the aforesaid land to the intending purchasers. According to the petitioners, they presented the sale deeds before the respondent no. 3, but the same was not admitted for registration by the said respondent without assigning any reason.

7. Section 71 of the Registration Act, 1908 (in short "the Act, 1908") 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."

8. In the present case, since the petitioners have not specifically stated as to on which date, the concerned sale deeds were presented for registration before the respondent no. 3, the writ petition is disposed of with liberty to the petitioners to present the sale deeds before the respondent no. 3 in accordance with the provisions of the Act, 1908 and the Rules framed thereunder. On presentation of the same, the respondent no. 3 shall either admit the sale deeds presented before him for registration or refuse the registration of the same by passing order forthwith in terms with Section 71 of the of the Act, 1908.

9. The writ petition is accordingly disposed of with aforesaid observation.