

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) Case No. 3573 of 2014

Ibrahim Hussain

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Petitioner

Vrs.

1. The State of Jharkhand
2. The Deputy Commissioner, East Singhbhum, Jamshedpur
3. The Deputy Collector, Land Reforms, East Singhbhum
4. Sub Registrar, District Sub Registry Office, Jamshedpur

..... Respondents

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner : Mr. Samir Kumar Lall

For the Respondents : Mr. Amit Kr. Verma, J.C. to S.C. (L&C)

05/29.03.2016 Heard learned counsel for the parties.

2. Petitioner claims to have presented the sale deed in respect of piece and parcel of raiyati homestead land measuring an area of 0.14 acres i.e. 80 ft x 80 ft equal to 6400 sq feet being R.S. Plot No. 1546 under R.S. Khata no. 365, corresponding to Present Survey Plot no. 597 under present khata no. 908, in Mauza Pardih, P.S. Mango, Survey Thana no. 1641 under Survey Ward No.9, Jamshedpur Notified Area Committee (M.N.A.C.) before the respondent no.4, Sub Registrar, District Sub Registry Office, Jamshedpur . The sale deed has not been entertained at all without any endorsement of rejection which could have enabled the petitioner to challenge it in the appellate forum under Section 72 of the Registration Act, 1908.

3. Learned counsel for the petitioner has relied upon the order dated 29.9.1983 passed in settlement case no. 228 of 79-90 of the Charge Officer as per which entries in relation to plot no. 597 under Mauza Pardih were cancelled and the name of the applicant, Kishori Mohan Ghosh S/o Kumud Bandhu Ghosh were directed to be recorded. Petitioner claims to have entered into the sale deed with his vendors Mrs. Dwitiya Chakraborty and Mrs. Kalpana Mitra through the devolution of the said property from Kishori Mohan Ghosh through two subsequent vendors Naru Nath Ghosh and subsequently, Subhrojit Chakraborty and Mayukh

Mitra.

4. Learned counsel for the petitioner further submits that the recital of the sale deed presented before the respondent no.4 contains reference of the devolution of the property. However, for no justifiable reason respondent no.4 has refused to entertain the sale deed for registration.

5. Learned counsel for the respondent- State by referring to the statements made at para 17 of the counter affidavit submits that the subject matter of the sale deed is a government land as per the revenue record furnished by the Revenue authorities of the District. That is the reason for the respondent no.4 to refuse to entertain the document. The respondent no.2 being the Deputy Commissioner, East Singhbhum and the custodian of the government land is not supposed to allow the sale of government land by ignoring the instructions of the Revenue and Land Reforms Department, Government of Jharkhand.

6. On consideration of the submission of the parties and upon perusal of the relevant pleadings on record, it appears that the very sale deed which the petitioner claims to have presented for registration before the respondent no.4 has not been brought on record. All the pleadings by the rival parties are rather presumptuous in the absence of the very sale deed in respect of which the relief is being sought for in the present writ application. In any case, it goes without saying that if the sale deed, validly executed with proper stamp paper is presented before the respondent authorities, he is required to satisfy himself in terms of the provisions of the Registration Act, 1908 and any other Circulars and Guidelines issued by the Land Reforms Department to come to the conclusion whether the sale deed is in respect of the land which can be sold and registered in accordance with the Act. In the

event the Registration authority finds that the sale deed does not comply with the requirements of law or it intend to register conveyance of a property not open for registration by private parties, such as government land etc, the Registration authority is required to record its endorsement containing the reason for rejection of the sale deed.

7. In the facts and circumstances discussed herein above, the only observation that can be made for the present is to leave the petitioner to make a fresh presentation of sale deed before the respondent no.4, Sub Registrar, District Sub Registry Office, Jamshedpur, District East Singhbhum, who would act in accordance with law and if he finds it to be fit for registration, allow its registration, otherwise make an endorsement of the grounds and reasons for its rejection. In case of any such endorsement of rejection, it goes without saying that petitioner may approach the appellate forum under Section 72 of the Registration Act, 1908 for redressal of his grievance.

8. The writ petition stands disposed of accordingly. The observation made hereinabove shall not be treated as comment upon the merit of the claim of the petitioner.

(Aparesh Kumar Singh, J.)