

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
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29.11.2021	<p style="text-align: center;">IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;"><u>Fraudulent Registration Case No.-31/2017-18</u></p> <p>Ram Narayan Prasad, son of Late Banwari Sahu, resident of Kailash Nagar, Irgu Road, P.S. Sukhdeonagar, District- Ranchi</p> <p style="text-align: right;">..... Petitioner</p> <p style="text-align: center;">-Versus-</p> <p>1- Pankaj Kumar Son of Mauji Lal R/o 3 D Bhaskar Apartment, Harihar Singh Road, Morabadi, P.S. Bariatu, District Ranchi</p> <p>2- Neeraj Kumar Son of Sri Ram Chandra Prasad R/o Flat No.-1 B, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>3- Amita Chouhan @ Amita Kumari W/o Sri Harendra Chouhan R/o Flat No.-3D, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>4- Arjana Jha W/o Sri Shailendra Kumar R/o Flat No.-2C, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>5- Ajit Kumar Ghosh Son of Sri Sachindra Nath Ghosh R/o Flat No.-3A, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>6- Smt Nitu Kashyap W/o Sri Pankaj Kumar Kashyap R/o Flat No.-2D, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>7- Rajesh Kumar Yadav S/o Sri Ramjee Rai R/o Flat No.-2A, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>8- Ajay Kumar Yadav Son of Sri Ramashray Prasad Yadav R/o Flat No.-2 B, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>9- Prashant Kumar Nayan Son of Late Rajkishore Nayak R/o Flat No.-1 C, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi</p> <p>10- Manju Devi W/o Sri Arjun Prasad R/o Flat No.-3 B, Usha Enclave, Sunder Vihar Tiril, P.S. Sadar, Ranchi.</p> <p style="text-align: right;">..... Opp. Parties</p>	
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**ORDER**

The petitioner above named has requested to initiate a proceeding U/s 82 and 83 of the Registration Act to annul the sale deeds bearing Deed No.-3416/2652 dated 28.05.2014, Deed No.-5577/4445 dated 25.07.2014, Deed No.-4909/3940 dated 30.07.2013, Deed No.-4910/3941 dated 30.07.2013, Deed No.-4575/3943 dated 14.07.2017, Deed No.-5578/4446 dated 25.07.2014, Deed No.-784/570 dated 31.01.2014, Deed No.-3414/2649 dated 28.05.2014 and Deed No.-4571/3945 dated 14.07.2017 claimed to have been fraudulently executed by the Opp. Party No.-1 in favour of Opp. Parties No. 2 to 10 respectively with respect of flats being Flat No.-1/B, 1/C, 2/A, 2/B, 2/C, 2/D, 3/A, 3/B and 3/D constructed upon the land appertaining to Khata No.82, Plot No.-261/812, Sub-Plot No.-261/812K5 area 6 Katha 12 Chattak 35 Sq Ft, having Holding No.836/19 under Ward No.-8 of Village Tiril, P.S. Sadar, District Ranchi.

Inspite of publication of notice to the Opp. Parties in Daily Newspaper Deshpran on 19.02.2021, except the Opp. Party No.-8, all the other Opp. Parties did not appear before this court. Hence after hearing the petitioner, this case was fixed for passing ex-parte order against the Opp. Parties.

According to the petitioner, he entered into a development agreement with Yash Projects Pvt Ltd, through its Director Pankaj Kumar (Opp. Party No.-1) on 15.10.2004 containing terms and conditions inter-alia to get his land appertaining to Khata No.82, Plot No.-261/812, Sub-Plot No.-261/812K5 area 6 Katha 12 Chattak 35 Sq Ft, having Holding No.836/19 under Ward No.-8 of Village Tiril, P.S. Sadar, District Ranchi developed into a multistoried building. Since the Opp. Party No.-1 did not started construction till 11.04.2010, the agreement automatically cancelled and notice to the said effect was sent to him on 12.04.2010. Thereafter the petitioner entered into a supplementary agreement with Kashish

  
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Construction Real Estate Pvt Ltd through its Director Birendra Kumar on 25.04.2012. The period of said supplementary agreement too expired on 24.04.2012. The petitioner thereafter constituted and appointed Sri Pankaj Kumar as his lawful attorney delegating power to look after his property. The petitioner had not delegated any power to transfer the aforementioned land or flats to any person. The Opp. Party No.-1 fraudulently transferred the aforementioned flats to the Opp. Party No.-2 to 10. The Opp. Party No.-1 has taken Rs.32,00,000/- per flat, but in the registered deed he has fraudulently shown the consideration amount of the flat as Rs.30,00,000/-. The Opp. Party No.-1 has not paid the consideration amount taken from the Opp. Party No.-2 to 10 to the petitioner.

The Opp. Party No.-8, Sri Ajay Kumar Yadav has pleaded his defense vide letter being Ref No.-24ES/251/1/Med dated 19.05.2020. According to the Opp. Party No.-8, he is posted as Senior Medical Officer at Air Force Station Manauri, Prayagraj. He is serving combatant member of Indian Air Force holding the rank of Wing Commander. He has purchased the flat from Mr Pankaj Kumar (Director Yash Projects Pvt Ltd), who was authorized to develop the said Usha Enclave by the owner of the land namely Mr Ram Narayan Prasad. The registration of the flat was done on 29<sup>th</sup> July 2013. Mr Pankaj Kumar was duly authorized by the landowner to develop and sell the flat in question purchased by the Opp. Party No.-8 vide Power of Attorney Deed No.-2298 dated 23.07.2011. The flat is also endorsed in his name in the Municipal reports and he has been paying house taxes etc regularly. The Petitioner Ram Narayan Prasad, who is the owner of the said flat on which Usha Enclave has been constructed also possess and owns three flats, which clearly establishes the fact that there existed a legally valid, current and genuine agreement between Mr Pankaj Kumar (Developer) and Mr Ram Narayan Prasad, the landowner.

On perusal of material available on record, I find that, the

  
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aforementioned sale deeds in question were registered during the subsistence of the Power of Attorney granted by the petitioner in favour of the Opp. Party No.1. It is settled law that in a proceeding U/s 82 and 83 of the Registration Act, the right, title and interest of the parties concerned on the basis of their conflicting claim cannot be adjudicated. Hence, I find that the instant proceeding is not maintainable U/s 82 and 83 of the Registration Act.

For the reasons aforementioned, without delving into the merit, the instant proceeding is hereby dropped.

Communicate this order to District Sub-Registrar, Ranchi for information and needful.

Dictated and corrected by me

  
29/11/21.

Deputy Commissioner  
Ranchi

  
29/11/21  
Deputy Commissioner  
Ranchi