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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2961 of 2004

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1. Anil Kumar Tiwari son of Late Kapildeo Tiwari, resident of village –Parsawani Khas, PS-Uchakagaon, District-Gopalganj.
2. Ramjee Prasad, son of Late Gangdeo Lal, resident of village –Balesara Tola Ashanand, PS-Uchakagaon, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Secretary, Revenue Department, Govt. of Bihar, Patna
3. Inspector General of Registration, Bihar, Patna
4. District Magistrate-cum-District Registrar, Gopalganj
5. District Sub Registrar, Gopalganj
6. Sub Registrar, Mirganj.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr. Pramod Kumar, Adv.
Mr. Ritesh Kumar, Adv.
For the Respondent/s : Mr. Kinkar Kumar, SC-27
Mr. Mahboob Ashraf, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 30-04-2015

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, petitioners have pointed out that Notification no. 612 dated 11th February 2004 issued by Respondent no. 4 for opening a Sub-Registrar Office at Phulwaria without the Government approval is completely a nullity. It has been submitted that under the Registration Act, the Collector does not have such power rather it is the Government has a power to open the Office of the Registrar or Sub-Registrar whereupon this Court directed the counsel for the State

to produce the relevant Notification which has been produced from where it appears that the Government of Bihar in exercise of power under section 5 (1) of the Registration Act has opened an Office of Sub-Registrar at Phulwaria in the district of Gopalganj.

In such view of the matter, the point raised does not survive. The petitioner submits that by opening an Office of Sub-Registrar at Phulwaria their livelihood has been affected. The opening an Office is an act of sovereign for public purpose gives benefit to the people for the area concerned, may effect their earning in certain ratio does not mean his livelihood has been taken away.

In such view of the matter, this Court does not find any merit in the present case, accordingly, the same is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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