

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22701 of 2013

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1. Bindeshwari Yadav Son Of Late Faudi Yadav Resident Of Village- Govindpur,
P.S.- Jhajha, District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Registration, Bihar, Patna
3. The Inspector General Of Registration, Department Of Registration, Bihar, Patna
4. The Collector Cum District Registrar, Jamui
5. The District Sub-Registrar, Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Anjani Kumar(AAG 6) & Mr. Shailndra Kumar
Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2015

The petitioner challenges the Notification dated 26th July, 2013 through which the Government of Bihar has notified new rates of fee for registration, in exercise of the provision of section 78 of the Registration Act, 1908 . The specific challenge is to the stipulation of fee under Article-I in the table appended to the Notification. The said provision covers the registrations which take place in the office of Sub-Registrar in a District though such registration could have been

effected in the office of Sub-Registrar in other places in the District. Earlier the fee in this context was Rs.150/-, and it has been enhanced to Rs.5000/- through the amendment.

2. The petitioner contends that he is a resident of Jhajha in Jamui district, and it is nearer to the District Headquarter than to the jurisdictional Sub-Registrar Office at Chakai. He further submits that in between Jhajha and Chakai there is a reserved forest and one finds it difficult to cross that on account of extremist problem. By citing this and other reasons, the petitioner challenges the revision from Rs.150/- to Rs.5000/- as being unreasonable, prohibitive and penal.

3. On behalf of the respondents a counter-affidavit is filed. It is stated that the enhancement of the fee has a dual purpose to serve viz (a) discouraging the rush in the office of District Sub-Registrar and (b) to ensure that the office of Sub-Registrar at the block and other levels get adequate transactions. Other grounds are pleaded.

4. Heard Mr. Rajesh Kumar Sinha, learned counsel for the petitioner and Mr. Anjani Kumar, Additional Advocate General no.6.

5. The power of the Government to stipulate or revise the fee for registration and allied matters, in exercise of powers under section 78 of the Registration Act, is almost unbridled. It is only when it is established that the stipulation or enhancement is without jurisdiction or is totally disproportionate, that this Court can interfere.

Several considerations need be taken into account, for stipulation of the fee. Apart from the act of sovereignty, the registration happens to be the source of income for the State also.

6. It is no doubt true that the enhancement of fee from Rs.150/- to Rs.5000/- is phenomenal and a valid justification may not exist therefor. However, if one takes into account the relevant facts, it becomes clear that due to improved means of communication, people in general reach in the District Sub-Registrar office for registration than to approach the Sub-Registrar at the block level which has the territorial jurisdiction vis-à-vis the transaction . Therefore, with a view to discourage the possible rush in the office of District Sub-Registrar and to encourage the people to go to the jurisdictional Sub-Registrar, the fee has been enhanced. It is not in dispute that the State Government is entitled to revise the fee structure from time to time.

7. If what pleaded by the petitioner is true, it is more a case for readjustment of the territorial jurisdiction of the Sub-Registrars in the Jamui District. If the village of the petitioner is nearer to the District Quarters, there is no reason why the people should take the trouble, to go to far off places. This, however, is a matter to be looked into by the appropriate authority if a representation is made by the concerned persons or public representative.

8. Hence, the writ petition is dismissed. It is left open to

the petitioner and others to make representation as regards the readjustment of jurisdiction of the Sub-Registrar in Jamui district. There shall be no order to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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