

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.640 of 2002

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1. Shiv Kumar Singh son of Sri Ramanand Singh, resident of village Bandwar, P.S. Nima Chandpura, District Begusarai.
 2. Md. Azam son of Md. Abbas, resident of village Saidpur, P.S. Matihani, District Begusarai.
 3. Radheshyam Prasad son of Late Bindeshwari Prasad Sinha, resident of village Jajbara, P.S. Barauni District Begusarai.
 4. Nawal Kishor Prasad son of Late Deo Nandan Prasad, resident of village Adherpur, P.S. Teghra District Begusarai.
 5. Ram Uday Singh son of Hanuman Singh, resident of village Badiya, P.S. Bhagwanpur District Begusarai.
 6. Sukumar Prasad Singh, son of Late Chandrashekhar Singh, resident of Bajalpura, P.S. Teghra District Begusarai.
 7. Mantosh Kumar Puriyadatta son of T ribhuban Prasad Verma, resident of village Bajalpura Teghra, District Begusarai.
 8. Chandra Kishore Prasad Sionha, son of Deo Nandan Prasad, resident of village Adharpur P.S. Teghra District Begusarai.
 9. Raj Kumar son of Mahendra Prasad Verma, resident of village Barauni-2, P.S. Teghra, district Begusarai.
 10. Bipin Bihari Prasad son of Bindeshwari Prasad, resident of village Makkha Chak P.S. Bakhri District Begusarai.
 11. Chandra Shekhar Azad alias Chandra Deep Prasad Singh son of Parmeshwar Prasad Singh, resident of village Bakhri P.S. Bakhri district Begusarai.
 12. Shashi Kant Mishra son of Deo Nandan Mishra, resident of vllage Makkha Chak, P.S. Bakhri district Begusarai.
 13. Shyam Deo Yadav son of Late Ratichand Yadav, resident of village Sital Rampur P.S. Bakhri district Begusarai.
 14. Md. Yunus Khan son of Md. Zamid Khan, resident of village Salauna P.S. Bakhri district Begusarai.
 15. Md. Zamir Uddin son of Md. Gyasuddin, resident of village Sakarbasa, P.S. Cheriya Bariyarpur district Begusarai.
 16. Md. Tanbir Alam son of Abdul Gafoor, resident of village Udaypur, P.S. Rosera, District Begusarai.
 17. Md. Ahmad Khan son of Monif Khan, resident of village Salauna P.S. Bakhari district Begusarai.
 18. Pramod Mishra son of Kari Mishra resident of village Pahsara P.S. Nao Kothi district Begusarai.
 19. Ram Sakal Yadav son of Shiv Charan Yadazv, resident of village Mauzithana Singh P.S. Sitahrampur P.S. Bakhari district Begusarai.
 20. Shambhu Prasad Verma son of Nawal Kishore Prasad Verma, resident of village Makkhachak P.S. Bakhri district Begusarai.
 21. Sukhadeo Jha son of Ram Basani Jha, resident of village Kumharson, P.S. Garhapura district Bedgusarai.
 22. Pawan Kumar Verma son of Kailash Prasad Verma, resident of village Makkha Chak, P.S. Bakhri district Begusarai.
 23. Narendra Thakur son of Late Kritya Nand Thakur, resident of village Labhgaon, P.S. Gangaur district Khagariya.
 24. Ram Naresh Malakar son of Narsingh Malakar, village Sisauni P.S. Naokothi district Begusarai.
 25. Jagdish Bharati son of Ram Swarath Bharati, resident of village Deopura P.S. Naokothi district Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary cum-Inspector General of Registration, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The District Sub-Registrar, Begusarai.
5. The Sub-Registrar, Teghra, Begusarai.
6. The Sub-Registrar, Bakhari Bazar, Begusarai.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6012 of 2002

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1. Ram Bilas Singh son of Sri Chhedi Mandal resident of Kodanda, P.S Shahkund district Bhagalpur.
2. Pravin Kumar Sinha son of Late Surendra Prasad resident of Mohalla Sikandarpur P.S. Mojahidpur, Bhagalpur.
3. Rajeev Kumar Ghosh son of Sri Yogesh Chandrta Ghosh, resident of Mohalla Ishakchak P.S. Ishakchak district Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary cum-Inspector General of Registration, Bihar, Patna.
3. The District Registrar cum Collector, Bhagalpur.
4. The District Sub-Registrar, Bhagalpur. Respondent/s

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Appearance :

(In CWJC No. 640 of 2002)

For the Petitioner/s : Mr. Kaushal Kumar Singh, Advocate.

Mr. Hemant Kumar Singh, Adv.

For the Respondent/s : Mr. Abbas Haider, SC-16.

Mr. Ranjay Kumar Singh, AC to SC-16.

(In CWJC No. 6012 of 2002)

For the Petitioner/s : Mr. Kaushal Kumar Singh, Advocate.

For the Respondent/s : Mr. Abbas Haider, SC-16.

Mr. Ranjay Kumar Singh, AC to SC-16.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-04-2015

Heard counsel for the petitioners and the respondents.

As in both these cases common question has been raised, they are being disposed of by a common order.

In the present case, petitioners are challenging the order dated 31st December 2001 passed by the District Sub-Registrar,

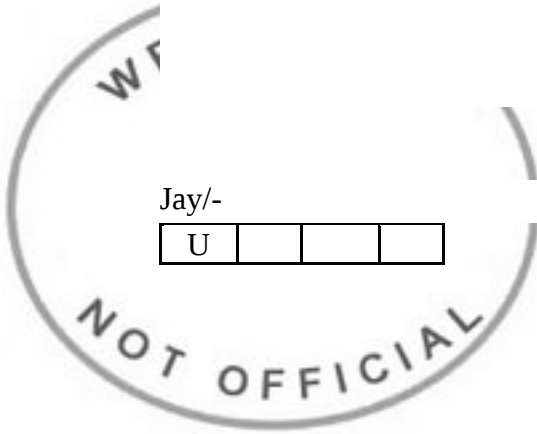
Begusarai, respondent no.4 by which he has cancelled the licence of the petitioners who are deed writers in the district of Begusarai and possess the licence for deed writing under respondent no.4 and also made a prayer to stay the operation of the order impugned.

It appears that in Registration (Bihar Amendment) Act, 1991 a provision inserted in terms of Section 68B and Rule 3C providing therein that the petitioners having no experience of 10 years on the cut off date will have to clear the written examination and in terms of that amendment a letter dated 31st December 2001 annexing the list of persons whose licence was cancelled, required to clear the examination was issued which is under challenge before this Court.

In view of the Division Bench judgment in CWJC No. 3089 of 1991 (Awadhesh Tiwary & others v. State of Bihar) 1998(3) PLJR 665(Annexure-A to the counter affidavit) there this Court has examined the amendment incorporated in parent Bihar Registration Act and Bihar Deed Writer Licensing Rule 1997 held to be intra vires. In such a situation, issuance of letter asking the deed writers, who have started deed writing from 8th August 1981, cannot be said to be illegal. It has been informed at the Bar that examination has not been conducted, in such a situation in view of judgment of this Court in **Arjun Prasad & others v. State of Bihar 2007 (4) PLJR 203**, this Court feels that present writ petitions would continue to work till Deed Writer Examination is conducted in terms of the Act

and Rule.

Accordingly both the writ petitions are disposed of in the aforesaid terms.



(Shivaji Pandey, J)