

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11280 of 2012**

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1. Sidhnath Agrawal S/O Late Manilal Agrwal R/O Vill-Puraniganj, P.S.-Kasim Bazar, Distt-Munger  
2. Sachidanand Panda S/O Shri Jagdish Panda R/O Vill+P.O.-Ranganw, P.S.-Tarapur, Distt-Munger  
3. Shrawan Kumar Singh S/O Shri Anandi Prasad Singh R/O Vill-Rainnia, P.O.-Tauravdih, P.O.-Sangrampur, Distt-Munger.

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. The District Magistrate, Munger  
3. The Stamp Deputy Collector Munger  
4. The District Sub-Registrar Munger  
5. The Treasury Officer Munger  
6. The S.D.O., Munger.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. SHRI PRAKASH SRIVASTAVA

For the Respondent/s : Mr. MD. N. HODA KHAN SC18

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

**ORAL JUDGMENT**

**Date: 02-12-2015**

Heard Mr. Srivastava for the petitioners and S.C.-18 for the State.

Three petitioners herein are the Stamp Vendors erstwhile operating in the district of Munger. They are aggrieved by the order dated 25.4.2012 (Annexure-6) passed by the respondent Collector, Munger refusing to renew their licence to vend the stamp.

Under the Bihar Stamp Rules, 1954, there is a provision for grant of licence to sell stamps within the compounds belonging to the Civil Courts. Appendix-4 thereto provides the format of licence to be issued to the Stamp Vendor on payment of fee which is renewed on



expiry of the validation period. Clause (9) of the licence provides that the licence is revocable without cause shown at any time. The State Government took diverse steps for computerization of the Registration Offices and vending of stamps through Franking Machines. The petitioners, along others, applied for renewal of licence. Under the impugned order, the respondent Collector, setting out reasons, refused to renew their licence stating that with the installation of Franking Machine(s) in the Civil Court almost throughout the State as also the computerization of the Registration Offices, the business of vending stamp has become a completely non-profit business. Other reasons have also been assigned.

In the counter affidavit, the respondents have stated as under in paragraph 5:-

“5. That brief fact of this case is that 31 stamp vendors applied for the renewal of their license for the year 2012, as per provisions of Bihar Stamp Manual 1955. On verification from treasury, it was found that the lifting of stamp by seven vendors (including the three writ petitioners) is below Rs. 80000/- and as such they were asked to submit their explanation for the same. The vendors in their explanation mainly took the stand that after depositing the renewal fee they are doing the stamp sale business and as the registration work is done as per cash deposited vide challan, the sale of stamp is decreasing and as such their license should be renewed. Finding their explanation unsatisfactory and further as because registration office of Munger has been computerized and franking machine is also being installed, so the utility of stamp vendors is decreasing gradually and their number requires to be refixed. Further on verification from their sale register, it was found that

the income of seven vendors (including the three writ petitioners) was less than the minimum wages of unskilled labourers of MGNREGA and it is not possible to run the business.

Mr. Srivastava has submitted that the order of the Collector, refusing to renew the licence, is bad in law as the same relies on a circular of the government which was issued in the year 2006. Referring to Annexure-4, it has been submitted that as recently as on 2.1.2012, the government in the Department of Registration instructed the Collectors to consider renewal of licence/vending licence at places where there exist only the Sub-Divisional Magisterial Court and not the Civil Court. The renewal was refused contrary to the provisions of the Rules. The respondent, in refusing to renew the licence of the petitioner, has committed serious illegality. It is a colourable exercise of power.

Counsel for the State, on the other hand, has submitted that under the terms of the licence, it has clearly been incorporated that such licence can be revoked at any time without cause shown and without any notice. The business of vending stamp has drastically reduced making it a completely non-profit business. In the Registration Office, after computerization, the stamp duty is paid through cash by way of challan and not adhesive stamp. The Court should take judicial notice of the fact that all Sub-Divisions barring a few in the State of Bihar have been provided with the Civil Court and

the judicial officers have been posted and they are functioning. If that be the case, then no legal right of the petitioners, in view of the provisions of the Rules and/or the terms of licence, has been violated.

Having given anxious consideration to the rival submissions, in my view, the reasons assigned by the Collector in refusing to renew the licence does not violate any legal right of the petitioner. That apart, the Collector has set out more than adequate reasons for not renewing the licence which has become a non-viable. The purpose of granting licence was to allow the licences to earn therefrom. If their earning has been drastically reduced then no useful purpose would be served. Precisely, this is the reason which has been stated in the impugned order for refusing to renew the licence.

Invoking writ jurisdiction of this Court, no relief in the setting of facts discussed hereinabove, can be granted to the petitioners.

The writ application is dismissed.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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