

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25685 of 2013

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1. Raj Ballabh Rathor, Son of Late Chakradhar Prasad Singh, resident of village + Post Bakhari Bazar, Police Station Bakhari, District Begusarai.
2. Manoj Kumar Yadav, Son of Shree Bhagwat Yadav, resident of Village Mouzi, Police Station Bakhari, District Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Inspector General of Registration, Department of Registration, Bihar, Patna.
3. District Registrar, Begusarai, Department of Registration.

.... Respondents

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Appearance :

For the Petitioners : Mr. Baidya Nath Thakur, Advocate

For the Respondents: Mr. Tej Bahadur Singh, AAG 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2015

The present writ petition has been filed for quashing the order dated 28.07.2012 passed by the District Registrar, Begusarai (respondent no.3) whereby the deed writing licences of the petitioners dated 23.09.2000 were cancelled, observing that there was no satisfactory explanation regarding belated deposit of licence renewal fees; as also for quashing the order dated 05.08.2013 passed by the Inspector General of Registration (respondent no.2) in Appeal Case No.02 of 2002 dismissing the appeal of the petitioners.

2. It appears that show cause notices were issued to the petitioners with regard to non-deposit of renewal fee of licences for the years 2011 and 2009 respectively, by reason of which ultimately the deed writing licences of the petitioners were cancelled. The appeal

filed by them stood dismissed on the ground of delay and non-maintainability.

3. It is submitted on behalf of the petitioners that as a matter of fact, the licence renewal fees had been deposited by the petitioners on 29.03.2012 and 23.12.2008 respectively and well before issuance of show cause notices on 01.06.2012. It is further submitted that in similar circumstances, this Court granted relief to the petitioner of CWJC No. 21509 of 2012 observing that there was no prohibition on the Licensing Authority to accept the licence fee belatedly.

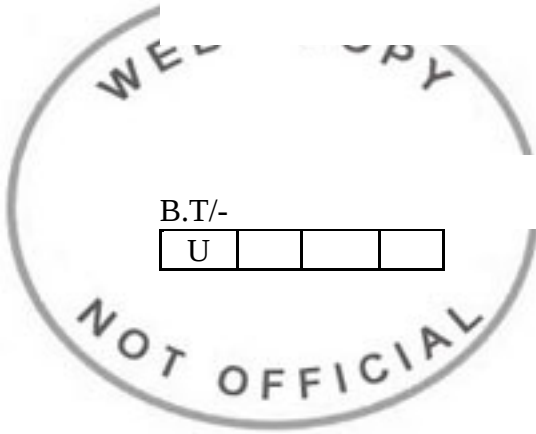
4. Learned counsel for the respondents relies on the statements made in the counter affidavit to oppose the writ petition.

5. Having heard learned counsel for the parties and on careful consideration of the materials on record, this Court is of the view that the writ petition must succeed.

6. It is not in dispute that the licence renewal fee had been deposited by the petitioners for the said periods even prior to issuance of the show cause notices and in such circumstances, the petitioners are entitled to relief, moreso when renewal fees of licences for the subsequent periods have also been deposited.

7. In the above circumstances, the order dated 28.07.2012 passed by the respondent no.3 as far as concerns the petitioners as also the order dated 05.08.2013 passed by respondent no.2 are hereby

quashed. The respondents are directed to proceed in the matter in accordance with law expeditiously. The writ petition stands allowed.



(Vikash Jain, J)