

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12438 of 2016

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1. Abdul Hafeez son of Md. Alim, resident of village- Bahera Bazar, P.S.- Bahera, District- Darbhanga. (License No.- 86/97).
 2. Amarnath Jha son of Harishchandra Jha, resident of village & P.O.- Nawada, P.S.- Bahera, District- Darbhanga. (License No.-29/2002).
 3. Krishna Kumar Rai son of Chandra Kant Rai, resident of village- Basuham, P.S. & P.O.- Bahera, District- Darbhanga. (License No.-35/1998).
 4. Balram Poddar son of Raja Ram Poddar, resident of village & P.O.- Keyutgama, P.S.- Bahera, District- Darbhanga. (License No.-78/2002).
 5. Ram Naresh Mishr son of Parshuram Mishr, resident of village- Chaugama, P.S. & P.O.- Bahera, District- Darbhanga. (License No.-3/2002).
 6. Md. Nazim son of Md. Tahir, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-70/2002).
 7. Ashwani Kumar Das son of Kamla Kant Das, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-81/2002).
 8. Md. Jainul Haque son of Mohibul Haque, resident of village- Baliya, P.O.- Afzala, P.S.- Bahera, District- Darbhanga. (License No.-42/2002).
 9. Rameshwar Lal Das son of Late Kishori Lal Das, resident, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-84/1997).
 10. Santosh Kumar Jha son of Late Harishchandra Jha, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-30/1998).
 11. Bacheshwar Choudhary son of Narsingh Choudhary, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-95/1997).
 12. Vinay Shankar Das son of Shyama Kant Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-23/2002).
 13. Kamlesh Chandra Das son of Baidyanath Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-49/2002).
 14. Chandra Sheshar Rai son of Mahendra Narayan Rai, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-83/1997).
 15. Ratan Kumar Mishr son of Parshuram Mishr, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-38/1998).
 16. Shivchandra Jha son of Late Gokhula Nand Jha, resident of village- Nawada, P.S.- Bahera, District- Darbhanga. (License No.-37/1998).
 17. Kameshwar Prasad Singh son of Paltan Rai, resident of village & P.O.- Sugrain, P.S.- Kusheshwar Asthan, District- Darbhanga. (License No.-112/1997).
 18. Kutubuddin Ansari son of Md. Yakub, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-15/2002).
 19. Maha Chandra Jha son of Late Tej Narayan Jha, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-113/1997).
 20. Upendra Narayan Singh son of Yogendra Narayan Singh, resident of village- Barewa, P.O.- Inai, P.S.- Baheri, District- Darbhanga.
 21. Ful Chandra Jha son of Late Hari Kant Jha, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-101/1997).
 22. Arun Kumar Yadav son of Bhagwani Yadav, resident of village & P.O.- Jayantipur Daath, P.S.- Bahera, District- Darbhanga. (License No.-47/2002).
 23. Santosh Kumar Suman son of Late Chedi Lal Yadav, resident of village- Shahri, P.O.- Shaho, P.S.- Biroul, District- Darbhanga. (License No.-89/2002).
 24. Om Shankar Mishr son of Dev Kant Mishr, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-32/2002).
 25. Rajiv Kant Jha son of Shrikant Jha, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-14/2002).
 26. Brahmdeo Mahto son of Late Roop Lal Mahto, resident of village- Naraha,



- P.O.- Badarbanna, P.S.- Bahera, District- Darbhanga. (License No.-98/2007).
27. Deo Narayan Rai son of Late Tanuk Lal Rai, resident of village- Barniya, P.O.- Itahar, P.S.- Kusheshwar Asthan, District- Darbhanga. (License No.-107/1997).
 28. Pawan Kumar Das son of Late Yugal Kishore Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-57/2002).
 29. Muzaffar Hasan son of Mustafa Hasan, resident of village- Mohammadpur Kajiyana, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-58/2002).
 30. Mushtaque Ahmad son of Md. Sahebjan, resident of village & P.O.- Mohiuddinpur Pakari, P.S.- Bahera, District- Darbhanga. (License No.-99/1997).
 31. Vijay Kumar Jha son of Late Hare Kant Jha, resident of village- Chaugama, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-35/2002).
 32. Lakshmi Kant Lal son of Late Shrinandan Lal Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-97/1997).
 33. Daya Shankar Verma son of Late Mahavir Lal Das, resident of village- Navtoliya, P.O.- Haripur, P.S.- Ghanshyampur, District- Darbhanga. (License No.-13/2002).
 34. Sanjay Kumar Gupta son of Ram Kumar Sahu, resident of village, P.O. & P.S.- Ghanshyampur, District- Darbhanga. (License No.-91/2002).
 35. Binod Kumar Das son of Late Deo Kishore Lal Das, resident of village- Krishnapur, P.O.- Nawada, P.S.- Bahera, District- Darbhanga. (License No.-24/2002).
 36. Ram Kumar Das son of Late Gopalji Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-119/2002).
 37. Ashok Kumar Lal Das son of Late Asharfi Lal Das, resident of village & P.O.- Krishnapur Nawada, P.S.- Bahera, District- Darbhanga. (License No.-7/2002).
 38. Md. Naseem son of Md. Salim, resident of village- Supaul, P.O. & P.S.- Biroul, District- Darbhanga. (License No.-103/1997).
 39. Md. Jilani Tanaha son of Md. Manzoor, resident of village & P.O.- Pali, P.S.- Ghanshyampur, District- Darbhanga. (License No.-34/1998).
 40. Md. Arjoo Alam son of Md. Moijoor Rahman, resident of village & P.O.- Barra, P.S.- Kusheshwar Asthan, District- Darbhanga. (License No.-22/2002(Apprentice)).
 41. Indra Mohan Jha son of Dinanath Jha, resident of village- Uchati, P.O. & P.S.- Biroul, District- Darbhanga. (License No.-76/2002).
 42. Vijay Kumar Gupta son of Ram Chandra Sahu, resident of village & P.O.- Bargaon, P.S.- Kusheshwar Asthan, District- Darbhanga. (License No.-110/1997).
 43. Mani Kant Choudhary son of Radha Kant Choudhary, resident of village- Basuhan, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-97/2002).
 44. Saburi Kant Yadav son of Late Rameshwar Prasad Yadav, resident of village- Shyampur, P.O.- Narama, P.S.- Bahera, District- Darbhanga. (License No.-27/2002).
 45. Krishna Mohan Lal Das son of Late Kishori Lal Das, resident of village, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-115/1997).
 46. Amar Nath Gupta son of Ram Swarth Prasad, resident of village & P.O.- Bargaon, P.S.- Kusheshwar Asthan, District- Darbhanga. (License No.-10/2002).
 47. Md. Kutbuddin son of Md. Shamsuddin, resident of village- Baliya, P.O.- Afzala, P.S.- Biroul, District- Darbhanga. (License No.-81/1997).
 48. Achhelal Yadav son of Late Janak Yadav, resident of village- Ali Nagar (Tole-Jogbani), P.O.- Alinagar, P.S.- Bahera, District- Darbhanga. (License No.-6/2002).
 49. Hareram Yadav son of Late Jagdish Yadav, resident of village- Saho (Tole-



- Sahari), P.O.- Sahari, P.S.- Biroul, District- Darbhanga. (License No.-86/2002).
50. Binod Kumar Yadav son of Ram Sajjan Yadav, resident of village & P.O.- Ladaho, P.S.- Biroul, District- Darbhanga. (License No.-59/2002).
51. Ashok Kumar Yadav son of Bikhari Prasad Yadav, resident of village- Rasiyari (Tole-Pouni), P.O.- Rasiyari, P.S.- Ghanshyampur, District- Darbhanga. (License No.-21/2002).
52. Ganesh Prasad Singh son of Late Hari Singh, resident of village- Kamalpur, P.O.- Bhawanipur, P.S.- Biroul, District- Darbhanga. (License No.-152/2002).
53. Guna Nand Jha son of Tej Narayan Jha, resident of village- Basuham, P.O. & P.S.- Bahera, District- Darbhanga. (License No.-40/2002).

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Inspector General of Registration, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
4. The Assistant Inspector General of Registration, Darbhanga Division, Darbhanga.
5. The District Magistrate-cum-District Registrar, Darbhanga.
6. The District Sub Registrar, Darbhanga.
7. The Sub Registrar, Registry Officer, Bahera, District- Darbhanga.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Prem Kumar Jha
Mr. Rajesh Kumar Jha
Mr. Nishant Kumar Jha
For the State : Mr. KUMAR ALOK, SC-7
Dr. Raj Kumar Singh, A.C. to SC-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-11-2016

Heard learned counsel for the parties.

Three fold prayer has been made by the petitioners in this writ petition. The petitioners while questioning the direction of the Principal Secretary, Department of Registration, Excise and Prohibition dated 13.6.2016, a copy of which is impugned at Annexure-10 to the writ petition whereby instructions have been issued to all Sub-Registrars and Registrars of the District not to accept



any instrument which is not computer printed, also questions the consequential order bearing no. 1749 dated 05.4.2016 of the Inspector General of Registration impugned at Annexure-7 issued in the same light to the District Sub-Registrars and Registrars. The third prayer made by the petitioners is for quashing an order bearing No. 1597 dated 28.3.2016 of the Inspector General of Registration whereby directions have been issued to the Collector cum District Registrars for cancellation of the licenses of all those deed writers who have gone on strike.

Mr. Prem Kumar Jha submits that while no consequential order of cancellation of the licenses of the petitioners has been issued pursuant to the order dated 28.3.2016 of the Inspector General of Registration impugned at Annexure-2 and the petitioners continue to hold the licenses, the same has also been put to challenge by the Association of the Deed Writers which is pending consideration in CWJC No. 6708 of 2016 in which interim order of stay has been passed by a Bench of this Court. The submission made by Mr. Jha is that while for the present, the petitioners in absence of any cancellation order would not be pressing the relief nos. 1(ii) and 1(iii), insofar as relief no. 1(i) is concerned, the same may be disposed of in the light of the judgment and order passed in the batch of writ petition arising from CWJC No. 10973 of 2016 (Arbind Kumar vs. State) and analogous cases, wherein this Court after hearing the parties has



quashed the order bearing Memo No. 2867 dated 13.6.2016 of the Principal Secretary, Department of Registration, Excise and Prohibition.

The legal position discussed above is not disputed by the learned counsel for the State.

In the circumstances discussed and accepting the submission of Mr. Prem Kumar Jha, learned counsel for the petitioners, this writ petition insofar as the prayer made in paragraph 1(ii) and 1(iii) is concerned, is disposed of as not pressed. Insofar as the relief against the order bearing Memo No. 2867 dated 13.6.2016 of the Principal Secretary is concerned, the same is allowed in terms of the judgment and order passed by this Court in the case of Arbind Kumar (supra) and since the said order has been quashed in its entirety, no separate order needs to be passed in the present case.

The writ petition is allowed to the extent above.

S.Sb/-

(Jyoti Saran, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

