

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2239 of 2016

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Ashok Kumar Verma Son of late Satnarayan Lal Resident of Village-Kushmaha,
P.s Amarpur, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Cum-District Registrar, Banka.
3. The District Public Complain Solution Officer, Banka.
4. The District Sub-Registrar, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Sr. Advocate with
Mr. Bhola Kumar and
Mr. Ashish Sinha, Advocates

For the State : Mr. Sanjay Kumar, AC to GA 13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following
reliefs:

*“A. For issuance of a writ in the nature of
Certiorari quashing the order dated -7.11.2015
(Annexure -6) passed by the District Sub-
Registrar, Banka whereby he has been denied to
grant the Deed Writer License of the petitioner.*

*B. For further directing the respondent concerned
to grant deed writer license of the petitioner*



forthwith.

C. For passing any other order/orders, writ, writs direction/directions in fact and circumstances of the instant case.”

3. The contention is that the renewal of license prayed for by the petitioner has been rejected wrongly.

4. Learned counsel for the petitioner submitted that he had got a deed writer license in the year 2002 and the same continued till the year 2008 but thereafter due to personal tragedy, he could not get the same renewed and thus in the year 2013 when he applied, the same was rejected by the authorities which made him to move this Court earlier in C.W.J.C. No. 1652 of 2014 which was disposed off by a co-ordinate Bench on 12.08.2015 with an indication that as there is no restriction in applying for fresh license, the Licensing Authority may consider the application of the petitioner in accordance with law, if he applies. It was submitted that the petitioner applied on 18.08.2015 and the same has been rejected by the order impugned dated 07.11.2015. Learned counsel submitted that the consideration is not in accordance with law as the petitioner's license was required to be renewed and thus there was no requirement of the petitioner having to qualify in the written examination stipulated under the Bihar Deed Writers Licensing Rules, 1996 (hereinafter referred to as the 'Rules').



5. Learned counsel for the State submitted that the consideration by the authority has been in accordance with law and since the Rules require passing of a written examination, no fresh license can be issued to the petitioner without him passing the said examination.

6. Having considered the rival contentions, the Court does not find any merit in the present writ application. The issue of refusal to renew the license of the petitioner was under consideration earlier before the Court in C.W.J.C. No. 1652 of 2014 and the same has not been interfered with and in fact the Court had observed that there was no error in the order rejecting the prayer for renewal. Thus, the issue, as far as renewal of the license of the petitioner is concerned, stands concluded as he has not moved against the order dated 12.08.2015 in C.W.J.C. No. 1652 of 2014. Further, in the same order, the Court had indicated that there is no restriction with regard to applying for fresh license and if the same is done, it shall be considered in accordance with law. The petitioner having applied pursuant to such indication in the order dated 12.08.2015, the authority was required to consider such application for fresh license in accordance with law and once the law itself provides for qualifying in a written examination, in the absence of the same, no license can be issued to the petitioner, and the decision of the authority cannot be



faulted.

7. In view thereof, the writ petition stands dismissed.

8. However, the petitioner shall not be precluded in future from applying for fresh license, which shall be considered in terms of the provisions of the Indian Registration Act, 1908 and the Rules.

(Ahsanuddin Amanullah, J)

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