

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.204 of 2018
IN
Civil Writ Jurisdiction Case No. 11280 of 2012**

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

.... Appellant/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 Appellant/s : Mr. Pradhan Murli Manohar, Adv.
Mr. Raju Kumar Goswami, Adv.
For the Respondent/s : Mr. P.K. Verma- AAG3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 17-05-2018

The three writ petitioners being aggrieved by the order dated 25.04.2012 passed by the respondent Collector, Munger, refusing to renew the Stamp Vending license in terms of the Bihar Stamps Rules, 1954, have moved this Court invoking the extraordinary writ jurisdiction of the High Court for a writ of certiorari to quash and cancel the decision of the Collector and to issue the writ of mandamus



commanding him to renew the licences of the petitioners forthwith.

2. The learned writ Court having considered the stand taken by the respondents the respondent Collector 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 had become a completely non-profit business and the utility of the Stamp Vendors were decreasing gradually, therefore, number were required to be refixed and for this purpose when verification was taken up on the basis of the sale register of the Stamp Vendors, 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, the writ Court refused to allow the writ application. Since the writ application has been dismissed, the writ petitioners have moved in this intra court appeal before us.

3. Learned counsel representing the appellant would submit that the learned Single Judge has ignored the provisions of the Bihar Stamp Rules, 1954, and has further failed to consider that the appellants are not at fault for decreasing of sale due to installation of Franking Machine in Civil Court almost throughout the State as also the computerization of the Registration Offices.

4. By filing a supplementary affidavit the appellants have



made a submission that a similarly situated person namely Pramod Kumar Verma had filed a writ petition before this Court vide C.W.J.C No.13148 of 2012 for the same grievance and his writ petition had been allowed on 05.08.2015 by a learned Co-ordinate Bench of the Single Judge. Thereafter, during the pendency of the contempt application filed by the said Pramod Kumar Verma his licence has been renewed by the District Magistrate, Munger.

5. We have gone through the materials available on the record and the impugned judgment of the learned writ Court. The learned writ Court has recorded the reasons taking the note of the stand of the respondents in Paragraph-5 of their counter affidavit and has finally recorded reasons for refusing to allow the writ application in the following terms:-

“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.”

6. We are satisfied with the reasons disclosed in the counter affidavit filed on behalf of the respondent State. In our opinion, in the nature of the findings provided in the counter affidavit which remain uncontroverted, the learned writ Court has rightly refused to interfere with the decision of the Collector, Munger. No illegality or infirmity could be found with the impugned judgment.

7. The Letters Patent Appeal has thus no merit. It is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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