

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.375 of 2018

1. Sidhnath Agrawal, son of Late Manilal Agrwal, resident of Village-
Puraniganj, P.S.- Kasim Bazar, District- Munger
2. Sachidanand Panda, S/o- Shri Jagdish Panda, resident of Village=P.O.-
Ranganw, P.S.- Tarapur, District- Munger
3. Shrawan Kumar Singh, son of Shri Anandi Prasad Singh, resident of
Village- Rainnia, P.O. Tauravdih, P.O. Sangrampur, District- 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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
Mr. Raju Kumar Goswami, Advocate
For the Opposite Party/s : Mr. Ravindra Kumar, A.C. to AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 23-01-2019 Re: I.A. No. 9565 of 2018

Heard learned counsel for the petitioners and learned
counsel representing the State.

2. I.A. No. 9565 of 2018 has been preferred seeking
condonation of delay of 71 days in filing of the Review
Application.

3. We have gone through the reasons stated in the
Interlocutory Application and for the reasons stated therein, we



are inclined to condone the delay. I.A. No. 9565 of 2018 is allowed.

Re: Civil Review No. 375 of 2018

With the consent of the parties the Review Application has been taken up for consideration on merit.

2. The petitioners in the present case are seeking review of the judgment dated 17.05.2018 passed in L.P.A. No. 204 of 2018 by which the Hon'ble Division Bench of this Court has been pleased to refuse to interfere with the judgment of the learned Single Judge.

3. The issue raised by the petitioners before the learned Single Judge was that their licences for Stamp Vending have not been renewed by the Licensing Authority. The Licensing Authority took a plea that because of the introduction of the Franking Machine 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. The respondents came with a plea that because of the aforesaid situation they wanted to re-fix the number of Stamp Vendors and for that purpose when the verification work was taken up as regards the quantum of sale



on the basis of the Sale Register of the Stamp Vendors, it was found that the income of 7 vendors including these three petitioners were less than the minimum wages of an unskilled labourer of MGNREGA.

4. The Writ Court refused to give a positive direction in favour of the petitioners to the Licensing Authority to renew their licence. On an objective consideration of the reasons stated in the counter affidavit and being satisfied with the reasoning and rationale provided with the judgment of the learned Single Judge, the Hon'ble Division Bench also refused to issue any mandamus as sought for by the petitioners.

5. Learned counsel representing the review-petitioners has mainly argued before us that a similarly situated person namely Pramod Kumar Verma had earlier moved this Court in C.W.J.C. No. 13148 of 2012. When the direction of the learned Writ Court in C.W.J.C. No. 13148 of 2012 to consider his request for renewal was not complied with, a contempt application was preferred before this Court for the alleged violation of the order of this Court. At this stage he was granted licence of Stamp Vending. The submission is that the learned Single Judge as well as the Hon'ble Division Bench could not take note of the aforesaid fact.



6. On the other hand, learned counsel representing the State submits that in the case of Pramod Kumar Verma, there was no positive direction of this Court to renew his licence. In fact, while there was a delay in consideration of the request of Shri Pramod Kumar Verma, contempt application was preferred before this Court and during pendency of the case it appears the licence was granted. It is submitted that grant of licence to Pramod Kumar Verma cannot be taken as a ground to issue a positive direction in case of the present petitioners.

7. We have considered the rival submissions at the Bar and have gone through the materials available on the record. It appears that the issue raised in the Review Application was earlier noticed by the Hon'ble Division Bench of this Court but then the Hon'ble Division Bench was impressed with the stand taken in the counter affidavit and finding that the reasons were logical and acceptable, the decision of the learned Writ Court not to issue a mandamus in favour of the petitioners was upheld by the Hon'ble Division Bench. We are of the considered opinion that in an application under Article 226 of the Constitution, the reliefs are in the nature of discretionary reliefs which may not be granted in the particular facts and circumstances of the case. Taking note of the reasons provided



in the counter affidavit the Hon'ble Division Bench has taken the view and there cannot be a change of reasoning in the Review Application.

8. We find no merit in the review application. The same is dismissed accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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