

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.535 of 2023

Navin Kumar Nayan son of Abhilash Singh, resident of Village-Laxmanpur,
Rampur, Ramhar, Vaishali, P.S.-Mahua, District-Vaishali, Bihar-844122.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Registration Department, Government of Bihar, Patna.
3. The I.G. Registration, Government of Bihar, Patna.
4. The Collector-cum-District Registrar, Vaishali.
5. The Sub-Divisional Officer, Mahua, District Vaishali.
6. The Sub-Registrar, Mahua, District Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shahabuddin Azeem @ S. Azeem, Adv.
For the Respondent/s	:	Mr.Vikash Kumar, SC-11 Mr.Sriram Krishna, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-10-2024

1. The present writ petition has been filed for directing the respondents, especially the Inspector General, Registration, Government of Bihar, Patna, as well as the Collector-cum-District Registrar, Vaishali, to refrain from giving effect to the order dated 24.01.2022 as well as the department's letter dated 11.12.2019, whereby the State Government has taken a decision to attach the Laxmipur Barkatta Panchayat to the Sub-



Registry Office, Patepur. It is prayed that Laxmipur Barkatta Panchayat, under the Jandaha Circle Office, be not attached with the Sub-Registry Office, Patepur, inasmuch as the people belonging to the said Panchayat will have to travel 25 kms, for the registry work, leading to inconvenience to them.

2. At the outset, the learned counsel for the respondent-State has submitted, by referring to the counter affidavit filed in the present case that the Sub-Registry Office, Patepur, has been created in the interest of public as well as to reduce the burden on the Sub-Registry Office, Mahua. It is stated that the Department of Prohibition, Excise and Registration, Government of Bihar, Patna has fixed criteria for creation of new Registration Office vide letter no. 1102 dated 09.05.2013 and letter No 457, dated 24.01.2022, which have been communicated to all the Collector-cum-District Registrars. Initially proposal had been given for creation of 11 new Registration Offices in the state of Bihar, keeping in view the interest of public as well as geographical area of the revenue villages. The Assistant Inspector General, Department of Registration, Bihar, Patna, vide memo no.179 dated 11.12.2019, had sought for a report from the District Sub Registrar, Hajipur at Vaishali with regard to creation of a new



Registration Office at Patepur Anchal, in light of the request made by Smt. Prema Chaudry, MLA. The District Sub-Registrar, Hajipur, vide letter no.2624 dated 17.12.2019 had submitted his report with regard to creation of Registration Office at Patepur. Thereafter, the Collector-cum-District Registrar, Vaishali, vide letter dated 06.01.2020 had directed the D.C.L.R, Mahwa, Vaishali to submit the list of areas (Maujas) to be included under the proposed Sub-Registration Office at Patepur Circle. The Circle Officer, Jandaha, vide memo dated 15.02.2020 had then submitted a list of revenue villages which could be included in the newly proposed registration Office at Patepur apart from the Circle Officer, Chehrakala also submitting a list of revenue villages, which could be included in the proposed new Sub-Registration Office, Patepur. In fact, the D.C.L.R, Mahua, vide letter dated 03.2.2020 had also submitted a list of revenue villages for being included under the new Sub-Registration Office at Patepur.

3. It is further submitted by the learned Counsel for the respondents that the Collector-cum-District Registrar, vide letter dated 25.02.2022, had requested the Sub-Divisional Officer, Mahua, to send his opinion with regard to Jurisdiction



of the New Sub Registration Office at Patepur Circle. The Sub-Divisional Officer, Mahua, vide memo dated 05.03.2022 had then submitted a report to the Collector- cum- District Registrar, Vaishali, inter-alia stating therein that by including entire revenue areas of Patepur, 23 revenue villages of Jandaha and 8 revenue villages of Chehrakala, the workload of Sub-Registration Office, Mahua, will be reduced and it will be in the interest of common people. Thereafter, the Collector-cum-District Registrar, Vaishali, vide letter no. 740 dated 09.03.2022 had submitted a detailed report to the Inspector General, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna, recommending creation of new Registration Office at Patepur, by taking into account the geographical area of the revenue villages and keeping in mind the convenience of the people at large. The Government of Bihar had then issued a notification vide memo no.4059 dated 12.08.2022 whereby and whereunder 11 new Sub-Registration Offices, including Sub- Registration Office, Patepur have been created and necessary posts have been sanctioned for smooth functioning of the said Sub-Registration Offices. At the moment, all the Sub-Registration offices have started functioning and Registration work is being done regularly.



4. In view of the aforesaid, it is submitted by the learned counsel for the respondent-State that the present writ petition is devoid of any merit.

5. This Court finds that the aforesaid stand taken by the respondents in the counter affidavit filed by them in the present case has not been controverted, inasmuch as no rejoinder affidavit has been filed by the petitioner apart from the fact that the aforesaid stand put forth by the respondents in their counter affidavit appears to be reasonable and plausible and moreover, the aforesaid issue is a matter of policy decision of the State Government. The scope of interference by the courts in matters of policy is well established. The Apex Court has times without number held that policy decisions of the Government should not be interfered with unless the policy is contrary to provisions of statutory rules or of the Constitution. Reference be had to the Judgment rendered by the Hon'ble Apex Court in the case of *Indian Railway Catering and Tourism Corporation Ltd. v. Indian Railway Major and Minor Caterers Association and Ors.*, reported in (2011) 12 SCC 792. In the present case, no illegality or unconstitutionality has been shown so as to warrant any interference by this Court, hence I do not find any merit in the present writ petition, thus, the same



stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2024
Transmission Date	NA

