

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.135 of 2024

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Tarachand Singh @ Tara Singh Son of Late Vishwanath Singh, Stamp Vendor,
Collectoriate Campus, Bettiah, P.O. and P.S - Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Inspector General of Registration Government of Bihar, Patna.
3. The Collector West Champaran at Bettiah.
4. The Sub-Registrar District Sub-Registry Office, Collectoriate Campus, West Champaran, Bettiah.
5. The Officer Incharge, District Legal Section, West Champaran, Bettiah.
6. Md. Sahabuddin @ Md. Sahabuddin Kuraishi Son of Late Md. Habib Kuraishi, Resident of Kamalnath Nagar, P.O. and P.S. - Bettiah Town, District - West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh, Adv.
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT

Date : 08-10-2024

1. The present writ petition has been filed for quashing the order dated 24.04.2023, passed by the Ld. Court of Collector, West Champaran at Bettiah, i.e. the respondent no.3, in Misc. Case No. R.M.-69/2009-10 (Md.Sahabuddin vs. Tara Singh @ Tarachand Singh), whereby and whereunder the stamp vendor



license of the petitioner, bearing License No.01/1996-97 has been cancelled.

2. The brief facts of the case, according to the petitioner are that the petitioner was possessing a stamp vendor license bearing License No. 01/1996-97, however, the same was suspended by the respondent no.3 by an order dated 19.11.2013, passed in connection with Misc. Case No. R.M.-69/2009-10, filed by one Md. Sahabuddin, which was challenged by the petitioner by filing a writ petition before this Court, bearing C.W.J.C. No.5353 of 2019. The said writ petition was disposed of by a co-ordinate Bench of this Court, vide order dated 27.03.2019, directing the respondent no.3 to pass the final order, in the aforesaid Misc. Case No. R.M.-69/2009-10, within a period of five months of receipt/production of a copy of the said order.

3. The respondent no.3 had failed to pass the final order in connection with the aforesaid Misc. Case No. R.M.-69/2009-10, within the stipulated period of five months, leading to the petitioner filing a contempt petition, whereafter, the impugned order dated 24.04.2023 has been passed by the respondent no. 3, cancelling the stamp vendor license of the petitioner.



4. It is submitted by the learned counsel for the petitioner that the private respondent no.6 i.e. Md. Sahabuddin @ Md. Sahabuddin Kuraishi had filed a complaint before the respondent no.3, inter-alia alleging therein that the petitioner has committed forgery while selling stamps, as a licensed stamp vendor. The respondent no.3 had then taken cognizance of the said complaint and instituted a case bearing Misc. Case No. R.M.-69/2009-10, whereafter he had directed the Officer In-charge, District Legal Section, West Champaran at Bettiah, to conduct an inquiry. Thereafter, the Officer In-charge, District Legal Section, West Champaran at Bettiah, had conducted an Inquiry and submitted a report dated 29.09.2011, wherein it has been stated that the aforesaid Md. Sahabuddin @ Md. Sahabuddin Kuraishi has submitted photocopies of two agreements, out of which first agreement has been written by Walter Joseph Osta, on which the petitioner has made his signature as a witness on 01.06.1998 and on the back of the same, the serial number of the Stamp is mentioned as Sr. No.452 dated 12.06.1997 or 1998, the date of purchase of the stamp being not very clear, while the second agreement is dated 31.12.1998 and on the back of the same, the serial number of the Stamp is mentioned as Sr. No. 1274 dated 28.12.1998. It is



further stated in the said report that from a perusal of the original Stamp Sale Register of the petitioner, it transpires that on 12.06.1998, Stamp bearing Sr. No.452 has not been sold, however, if the relevant entries of the date of 12.06.1997 is seen, the same depicts sale of Stamp bearing Sr. No.452, in favor of George Baptist. As far as the other stamp, bearing Sr. No. 1274 dated 28.12.1998, is concerned, the same has been shown to have been issued to one Ram Naresh Singh, while stamp bearing Sr. No. 1275 dated 28.12.1998, has been shown to have been issued in the name of George Baptist.

5. The learned counsel for the petitioner has contended that two allegations have been levelled against the petitioner by the complainant, which are as follows:-

(i) Stamp bearing Sr. No.452 dated 12.06.1998, which is stated to have been issued by the petitioner, has actually not been sold on 12.06.1998, as per the Stamp Sale Register.

(ii) The second Stamp bearing Sr. No.1274 dated 28.12.1998 is stated to have been sold by the petitioner but in the Stamp Sale Register, against Sr. No.1271 to 1274, it has been recorded that stamps were sold to one



Ram Naresh Singh.

6. The learned counsel for the petitioner has next submitted that the petitioner had obtained the photocopies of the Stamp Sale Register, under the Right to Information Act, from which it is apparent that stamp bearing Sr. No.452, was issued in the name of one George Baptist on 12.06.1997 and stamps bearing Sr. No.1271 to 1274 were issued in the name of one Ram Naresh Singh on 28.12.1998 while stamp bearing Sr. No.1275 has been issued in the name of George Baptist on 28.12.1998. Thus, on a conjoint reading of the Inquiry Report dated 29.09.2011 and the aforesaid information received by the petitioner under the Right to Information Act, it is apparent that stamp bearing Sr. No.452 was sold/issued on 12.06.1997 to George Baptist and there is no ambiguity with regard to the same. As far as stamp bearing Sr. No.1275 is concerned, the same has been issued to George Baptist on 28.12.1998 and on the same day stamps bearing Sr. No.1271 to 1274 have been sold to one Ram Naresh Singh, which makes it evident that the name of George Baptist is recorded only one entry below, which in any view of the matter may be a clerical/human error, thus, no motive can be imputed to the petitioner, hence, the same can be condoned by taking a lenient view of the matter and the stamp



vendor license of the petitioner may be restored, which is the only source of his livelihood.

7. Per contra, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case that the private respondent no.6 had filed an application before the respondent no.3, inter-alia alleging forgery to have been committed by the petitioner in selling stamps, as a licensed stamp vendor, in the following manner:-

“i. Stamp Number 452 dated 12.06.1998 which has been declared as issued by the petitioner, has not been sold on the basis of stamp register on 12.06.1998.

ii. The Second Stamp whose number is 1274 dated 28.12.1998, has been declared a sale by the petitioner and sale is recorded in favor of Ramnaresh Singh from serial number 1271 to 1274 of the Stamp register.”

8. It is submitted by the learned counsel for the respondents that thereafter, the respondent no.3 had taken cognizance of the aforesaid complaint as also registered Misc. Case No.R.M.-69/2009-10 and had then got the matter inquired through the Officer In-charge, District Legal Section, West Champaran, who had subsequently submitted his report, vide letter dated



29.09.2011, whereupon, the respondent no.3 had sought for the agreement papers from the petitioner but he did not supply the same, hence his stamp vendor license was suspended, vide order dated 30.09.2011. The petitioner had then approached this Hon'ble Court, by filing a writ petition, bearing C.W.J.C. No.5353 of 2019, which was disposed of with a direction to the respondent no.3 to pass the final order within a period of five months, whereafter, the impugned order dated 24.04.2023 has been passed by the respondent no.3, cancelling the stamp vendor license of the petitioner. It is also submitted that the petitioner has accepted that he has committed a clerical/human error, however, the same is a serious matter, inasmuch as the matter in hand relates to claim by the petitioner over a piece of land along with house, on the basis of forged stamp papers, hence no sympathy should be shown towards the petitioner.

9. I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the stamp bearing Sr. No.452 was sold on 12.06.1997 in favor of one George Baptist and in fact the first agreement, as aforesaid, on its back side also bears the serial number of the stamp as 452 dated 12.06.1997, issued to George Baptist and from Annexure-P/5 to the writ petition, it appears that an agreement was made



in between Walter Joseph Osta and George Baptist, hence no fault can be found therewith, thus, the first allegation levelled by the private respondent no.6, as above has got no substance and is unfounded.

10. As regards the second allegation levelled by the private respondent no.6 to the effect that the stamp bearing Sr. No.1274, stated to have been sold on 28.12.1998 to George Baptist is infact shown in the stamp sale register to have been sold to one Ram Naresh Singh, this Court finds that on the back side of the second agreement, the Sr. No. of the stamp has been mentioned as 1274 dated 28.12.1998 and the same has been shown to have been issued to George Baptist but in the Stamp Sale Register, against Sr. No. 1271 to 1274, the name of one, Ram Naresh Singh has been mentioned, however, just below Sr. No.1274 i.e. as against Sr. No.1275, the name of George Baptist is mentioned, thus, the same appears to be a clerical mistake, nonetheless, this Court finds that neither Walter Joseph Osta nor George Baptist have come forward to make any complaint against the petitioner i.e. regarding him having committed any fraudulent act with them with a view to usurp their property and on the contrary a third person i.e. the private respondent no.6 has filed the aforesaid complaint before the respondent no.3,



nevertheless, he has subsequently filed a petition before the respondent no.3, stating therein that he wants to withdraw the complaint, meaning thereby that he has got no complain/grievance/grudge, as against the petitioner.

11. Having regard to the facts and circumstances of the case, considering the materials available on record and taking into account the submissions put forth by the learned counsel for the parties, this Court is of the view that though mistake might have been committed by the petitioner, as aforesaid, however the same is apparently clerical/human error, apart from the undisputed fact that the same has not led to any prejudice being caused to anyone, thus, a lenient view can be taken, especially in view of the fact that neither the aforesaid Walter Joseph Ostanor nor George Baptist nor Ram Naresh Singh, have come forward to allege any misfeasance qua the petitioner nor any complaint has been made by them, hence, this Court is of the view that the aforesaid clerical/human error committed by the petitioner can be condoned, the same being first such instance in the career of the petitioner as a stamp vendor, thus I deem it fit and proper to quash the order dated 24.04.2023, passed by the District Magistrate, West Champaran at Bettiah and direct for restoration of the stamp vendor license of the petitioner, bearing License



No.01/1996-97, forthwith, however, with a caveat that in case any mistake/error is committed by the petitioner, henceforth, the same shall not be liable to be condoned. It is needless to state that the restoration of the stamp vendor license of the petitioner shall be prospective.

12. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	30.09.2024
Uploading Date	08.10.2024
Transmission Date	NA

