IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1539 of 2016

Kaushlendra Kumar Singh, son of Late Jitnath Singh, resident of village Hiring, P.O. Hiring, P.S. Hunterganj, District Chatra (Jharkhand)

... Petitioner

Versus

1. The State of Jharkhand, through the Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, having its office at Project Building, P.O. & P.s. Dhurwa, District Ranchi
2. Inspector General of Registration, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, having its office at Project Building, P.O. & P.S. Dhurwa, District Ranchi
3. Deputy Commissioner, Chatra, P.O. & P.S. Chatra, District Chatra (Jharkhand)
4. District Sub Registrar, Chatra, P.O. & P.S. Chatra, District Chatra (Jharkhand). … Respondents

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr Indrajit Sinha, Advocate
Mr Ankit Vishal, Advocate
For the Resp.-State: Ms Neeharika Majumdar, A.C. to A.G.

07/Dated: 04.11.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr. Indrajit Sinha, who appears with Mr. Ankit Vishal, learned counsel for the petitioner and Ms Neeharika Majumdar, learned A.C. to A.G., for the respondent State.

2. In this matter, the petitioner has, inter alia, challenged the constitutional validity of Section 22A of the Registration Act, 1908, as introduced by the State of Bihar vide Bihar Amendment Act No. 6 of 1991. This amendment has also been adopted by the

State of Jharkhand, and consequential notification has been issued thereunder bearing No. 1132 dated 26.08.2015.

3. Mr Ankit Vishal submitted that the issue raised in this petition is squarely covered by the judgment and order dated 01.05.2025 passed by this Court in W.P. (C) No. 5088 of 2018 and W.P.(C) No. 630 of 2019.

4. Given the above submission on 26.10.2026, we passed the following order:

> *"1. I.A. No. 3066 of 2016 is allowed at the risk and consequences of the petitioner. I.A. No. 3066 of 2016 is disposed of.*
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> *2. Place the matter for hearing on 04th of November, 2026* ***High on Board*** *since, according to the learned counsel for the petitioner, matter is covered by the decision of this Court in W.P(C) No. 5088 of 2018 and connected matters which were disposed of on 01st of May, 2025.*
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> *3. The learned counsel for the respondent State must take instruction on the aforesaid submission made on behalf of the learned counsel for the petitioner. Notice is also issued to the learned Advocate General. Ms Niharika Mazumdar, learned A.C to A.G waives service on behalf of the learned Advocate General."*

5. Ms Mazumdar, learned A.C. to A.G., submitted that the issue is indeed covered but pointed out that the State has preferred an SLP against this Court's order dated 01.05.2025 in W.P. (C) No. 5088 of 2018 and analogous matters. She admitted that no interim relief has been granted by the Hon'ble Supreme Court in the SLP which is so instituted by the State Government.

6. In the order dated 01.05.2025 disposing of W.P.(C) No. 5088 of 2018 and analogous matters, the Coordinate Bench has referred to the decision of the Hon'ble Supreme Court in the case of **State of Rajasthan and others vs. Basant Nahata** ***(2005) 12 SCC 77*** where the Hon'ble Supreme Court struck down a similar amendment made by the State of Rajasthan to the provisions of the Registration Act, 1908.

7. In **Basant Nahata** *(supra),* the Hon'ble Supreme Court held that the doctrine of "public policy" is vague and uncertain, and that there are no guidelines for its interpretation. It held that "public policy" cannot be defined with precision at any point in time, and that the Executive cannot fill the grey areas, as that power vests in the judiciary. It held that whenever the concept of "public policy" requires interpretation, it is for the judiciary to do so, and even the judiciary's power is very limited in this regard. It held that what is essentially within the exclusive domain of the judiciary cannot be delegated to the Executive unless the policy behind it is finally laid down. It rejected the plea raised in that case on behalf of the State of Rajasthan that the State, being a higher authority delegated the power to make declarations under Section 22-A of the Act, would not abuse it, and held that the provision of Section 22-A is *ultra vires* Articles 14 and 246 of the Constitution of India. It also rejected the plea of the State of Rajasthan that, being a policy decision, the Court ought not to interfere. It held that a legislative policy must conform to the provisions of the constitutional

mandates and that, even otherwise, such a policy decision is subject to judicial review.

8. Accordingly, following the reasoning in the judgment and order dated 01.05.2025 passed by the Coordinate Bench in W.P. (C) No. 5088 of 2018 and analogous matters, and relying on **Basant Nahata** *(supra),* we strike down Section 22 A of the Registration Act, 1908, as amended by the Bihar Amendment Act 6 of 1991 and adopted by the State of Jharkhand, as well as the consequential notification issued under that provision on 26.08.2015. All orders passed by Sub-Registrars or other officials of the Registration Department, including the impugned order dated 17.02.2016, are set aside.

9. This writ petition is allowed to the extent stated above, and all other issues are left open.

10. The petition is disposed of in the above terms without any order for costs. Pending I.As, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 04, 2026
Pramanik/Anjali/Cp.2
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