

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.Nos.1010 & 1012 of 2016

&

CMP.Nos.13193,13196 &
13197 of 2016

1. The Inspector General
Registration Department
Mylapore, Chennai 600 004
 2. The Secretary
Commercial Taxes and Registration Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009
- ... Appellants in both the appeals

-vs-

G.Murali ... Respondent in W.A.No.1010 of 2016
R.Mohanam ... Respondent in W.A.No.1012 of 2016

Appeals under Clause 15 of the Letters Patent, against the order dated 03.11.2011 made in W.P.Nos.11401 & 11426 of 2009.

WP.Nos.11404 & 11426 of 2009: Petitions presented to this Court to issue a Writ of Certiorari to call for the records in proceedings No.40298/S2/07 on the file of the first Respondent and the order dated 05/9/08, made therein and confirmed in G.O. (D).Nos.158,157,159 dated 09/04/2009 respectively, on the file of the second respondent, and to quash the same.

For Appellants :: Mrs.A.Srijayanthi
Special Government Pleader

For Respondent :: Mr.G.Ashokapathy for
M/s Pass Associates
in both appeals

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader for the appellants and the learned counsel for the contesting respondent in both the appeals.

2. These appeals, at the instance of the State, are against the order passed by the learned single Judge in allowing the writ petitions filed by the contesting respondent in both the writ appeals, being the writ petitioners, challenging the orders of cancellation of their licence issued under the provisions of the Tamil Nadu Document Writer's License Rules, 1982.

3. It appears that a surprise check was conducted by the officers of the Vigilance Department in the office of Sub Registrar, Pallikondan, Vellore District on 16.11.2006, where the writ petitioners were functioning as Document Writers, and a sum of Rs.600/- and Rs.700/- respectively found in their possession were recovered. Based on such recovery, show cause notices came to be issued by the first appellant, for which explanations were given by the contesting respondents. However, without properly considering their explanations and without even conducting any enquiry, the first respondent/licensing authority erroneously passed the non-speaking orders cancelling their licenses. Though appeals were preferred by the contesting respondents before the second appellant/appellate authority, the same were rejected confirming the orders passed by the licensing authority. Since the explanations offered by the contesting respondents were not properly considered and their licenses came to be cancelled by the non-speaking orders passed by the licensing authority without assigning any valid reason and that the said orders were also confirmed by the appellate authority without taking into consideration that no enquiry was conducted and no opportunity was given before the cancellation of licenses, the learned single Judge thought it fit to interfere with the orders impugned in the writ petitions.

4. We have also gone through the order passed by the learned single Judge. Considering the quantum of amounts involved in the cases and also noting that non-speaking orders were passed by the licensing authority without considering the explanations offered by the contesting respondent as well the said orders were also confirmed by the appellate authority without application of mind, the learned Judge, rejecting the stand of the appellants/State, has rightly quashed the orders of cancellation of licenses impugned thereunder. In these

circumstances, we find no merit, much less no scope for interference with the impugned order. Accordingly, the writ appeals are dismissed. Consequently, C.M.P.Nos.13193, 13196 & 13197 of 2016 are also dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

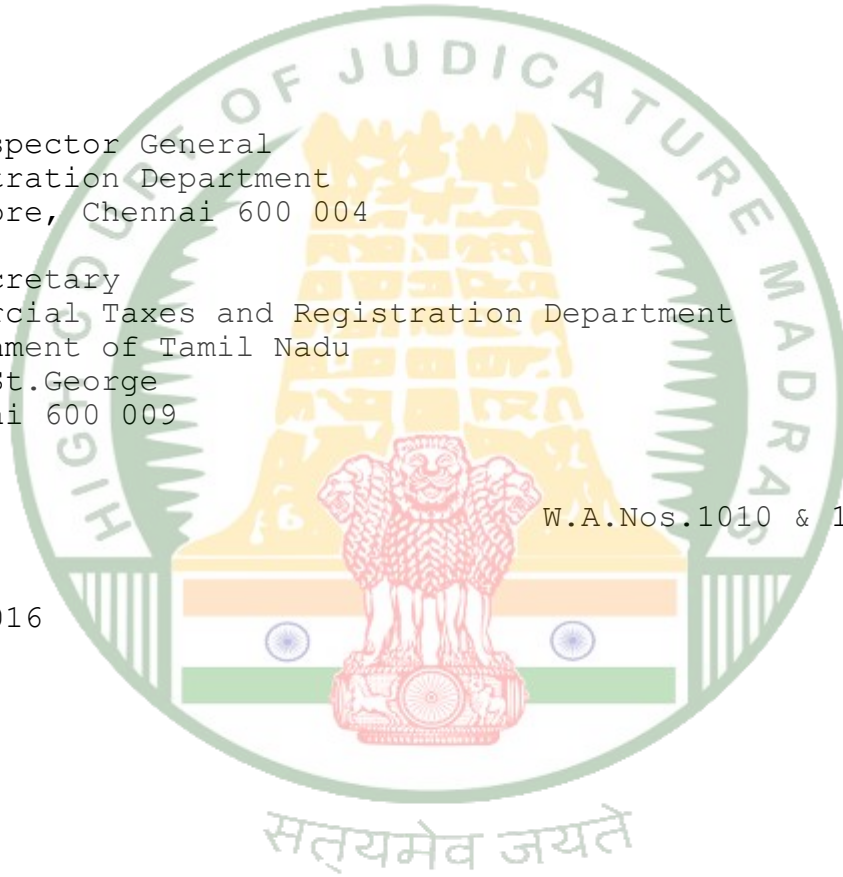
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To

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