

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4791 of 2007

And

M.P.No.1 of 2007

P.Mylsamy

... Petitioner

Vs.

1.The State of Tamil Nadu,  
represented by Inspector General  
of Registration,  
Santhome, Chennai - 4.

2.The State of Tamil Nadu,  
represented by District  
Registrar of Registration (Stage),  
Coimbatore City.

3.The Assistant Inspector  
General of Registration  
Coimbatore Zone,  
Pankja Mill Road,  
Coimbatore - 45.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to transfer the appeal preferred against proceedings No.7010/Aa1/2006 dated 29.11.2006 passed by the 2<sup>nd</sup> respondent pending on the file of the 3<sup>rd</sup> respondent along with petition for stay to some other officer of competent jurisdiction at an early date.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.K.Ravikumar  
Additional Government Pleader

## O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to transfer the appeal preferred against proceedings No.7010/Aa1/2006 dated 29.11.2006 passed by the second respondent pending on the file of the third respondent along with petition for stay to some other officer of competent jurisdiction at an early date.

2.The case of the petitioner is that the petitioner was appointed as Stamp Vendor for Srinivasapuram area vide proceedings of the Revenue Divisional Officer, Coimbatore dated 16.11.2004. Whiles, he was issued with a show cause notice dated 25.07.2006 by the second respondent stating that the stamp papers in same serial number have been sold to two different persons which is in violation of the Tamil Nadu Stamp Rules and the petitioner was called upon to submit his explanation as to why his stamp vending licence be cancelled permanently. The petitioner submitted his explanation dated 25.07.2006. Being not satisfied with the explanation submitted by the petitioner, the second respondent vide proceedings dated 29.11.2006, cancelled the petitioner's licence. Aggrieved by the same, the petitioner preferred appeal before the third respondent. However, the second respondent who passed the impugned order was incharge of the appellate forum. Hence this writ petition.

3.The learned counsel appearing for the petitioner would submit that this writ petition is filed on the ground that the third respondent is the Officer who has passed the impugned order dated 29.11.2006. On one hand the second respondent passed the impugned order and on the other hand he would not be permitted to pass order as Appellate Authority.

4.Heard the arguments advanced on either side.

5.It is an admitted legal position that no person can be a Judge of his own order. However, after a lapse of nearly eleven years, the same Officer may not be available in the particular post.

6.In view of the above, I do not find any merit in the writ petition. The third respondent is at liberty to proceed with the appeal preferred by the petitioner and shall pass appropriate orders, in accordance with law, after giving due opportunity to the petitioner.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General  
of Registration,  
Santhome, Chennai - 4.
- 2.The District Registrar of Registration (Stage),  
Coimbatore City.
- 3.The Assistant Inspector  
General of Registration  
Coimbatore Zone,  
Pankja Mill Road,  
Coimbatore - 45.

+1cc to the Government Pleader Sr.36600

+1cc to Mr.N.S.Sivakumar, Advocate Sr.36687

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srg 20/06/2018