IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.34867 to 34869 of 2003

1. G.Chandarshah ... Petitioner in W.P.No.34867 of 2003

2. P.S.Venkatesan ... Petitioner in W.P.No.34868 of 2003

3. K.N.Ranganathan ... Petitioner in W.P.No.34869 of 2003

Vs.

1. The Government of Tamil Nadu
Rep. By its Secretary to Government
Commercial Tax Department,
Fort, St. George, Chennai - 9.

2. The Inspector General of Registration
Tamil Nadu Registration Department,
Chennai - 28. ... Respondents in all W.Ps

Common Prayer: Writ petitions have been filed under Article 226 of Constitution of India, seeking a Writ of Certiorari to call for the records on the file of the 1st respondent in G.O.Ms(D). No.198 dated 03.09.2003 and quash the same as illegal, incompetent and unconstitutional.

For Petitioners in all W.Ps : Mr.Sarath, for Mr.V.Raghavachari

For Respondents in all W.Ps : Mr.N.Inbanathan, Additional Government Pleader

COMMON ORDER

Originally, the petitioner along with others have challenged the order of the second respondent in Proceedings No.25433/I 3/99 dated 13.08.2002 in WP No. 35717, 35769, 37731 of 2002. By an order dated 17.09.2002, this Court dismissed W.P.Nos.35719, 35731 and 35769 of 2002 by holding that there is an appeal provision available under Rule 17 of Tamil Nadu Document Writers Rules, 1982 for appropriate relief and without exhausting the same, the petitioners have filed the said writ petitions. However, while dismissing the writ petitions, this Court directed the petitioners to file an appeal under Rule 17 of the Tamil Nadu Document Writers Rules, 1982 within a period of 15 days from the date of the copy of that order. Accordingly, the petitioners have filed an appeal on 26.03.2002 before the first respondent.

2. It is the case of the petitioners that without giving any opportunity of personal hearing to the petitioners the first respondent rejected the appeals as per the G.O.Ms(D). No.198 dated 03.09.2003. Challenging the said Government Order, the writ petitioners are before this Court.

3. Admittedly, the petitioners have challenged the order of the second respondent cancelling the Document writers licence issued to them by way of appeal before the first respondent. The appeals came to be filed pursuant to the direction issued by this Court in the order dated 17.09.2002, this Court permitted the petitioners to file a statutory appeal. Accordingly, the petitioners have also filed the appeals, however, it is seen from the impugned orders passed by the Government that before passing the same, the petitioners were not heard or any opportunity of hearing has been granted to them. Thus, the impugned orders are in violation of principles of natural justice and on that ground, the writ petitions are to be allowed.

4. Hence the writ petitions are allowed and the order passed by the second respondent is set aside. The matter is remitted back to the first respondent to consider the appeals filed by the petitioners afresh and to pass an order on merits in accordance with law, after hearing an opportunity of hearing to the petitioners, within a period of three months from the date of receipt of a copy of this Order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government
   Commercial Tax Department,
   Fort, St. George, Chennai - 9.

2. The Inspector General of Registration
   Tamil Nadu Registration Department,
   Chennai - 28.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.40168
+1cc to the Government Pleader, S.R.No.40952

W.P.Nos.34867 to 34869 of 2003

SVN(Co)
CS/01/08/18