

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.Nos.1723, 1733 & 1738 of 2019
and
W.M.P.Nos.1919, 1935 & 1938 of 2019

K.N.Ranganathan ... Petitioner
in W.P.No.1723/2019

G.Chandarsha ... Petitioner
in W.P.No.1733/2019

P.S.Venkatesan ... Petitioner
in W.P.No.1738/2019

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 filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
call for the records in G.O.(D).No.387 dated 30.11.2018, on the
file of the 1st respondent and to quash the same as illegal,
incompetent and unconstitutional.

For Petitioner : Ms.Sri Priya
in all W.Ps. For Mr.V.Raghavachari

For Respondents: Mr.P.P.Purushothaman,
in all W.Ps. Government Advocate

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COMMON ORDER

All these three writ petitions are filed challenging the
order of the 1st respondent dated 30.11.2018 in confirming the
order of the original authority in cancelling the license issued
to these petitioners as document writers.

2. It is seen that these petitioners are members of Vaniyambadi Document Writers and Copy Writers Association. It is further seen that the said association made a representation before the concerned authorities against the Sub Registrar of Vaniyambadi, as if the said official was not performing his duties properly by maintaining the records. In that representation, it was requested to conduct an enquiry by an official equal to the cadre of Civil Judge. Hence, the 2nd respondent has chosen to pass the order cancelling the license of these petitioners only by stating that the petitioners are not entitled to seek for enquiry by the Judicial Officer, when the Collector is there to do the same. The 2nd respondent also observed that the representation sent by the Association cannot be disowned by the petitioners being its members.

3. When the said order was challenged before the 1st respondent, the same was rejected by reiterating the very same reason on 03.09.2003. The petitioners approached this Court and filed the writ petitions in W.P.Nos.34867 to 34869 of 2003 challenging the said order. This Court, by an order dated 25.06.2018, allowed those writ petitions, setting aside the order passed by the 2nd respondent and remitted the matter back to the 1st respondent to rehear the appeal and pass orders on merits and in accordance with law. Once again, the 1st respondent passed the very same order by stating the very same reason, which is put to challenge in these writ petitions.

4. Heard both sides and perused the materials placed before this Court.

5. It is an unfortunate case where the petitioners are taken into task by the respondents simply because the Association, in which, these petitioners are members, have given complaint/representation against the Sub Registrar, Vaniyambadi. Merely because the Association has sought for an enquiry in the rank of the Judicial Officer, it does not mean that they have committed a grave mistake or error against the Registration Department in seeking for such enquiry, warranting the cancellation of license of these petitioners.

6. Absolutely, I find no justification for cancelling the license of these petitioners, who admittedly, have not given such complaint. Only the office bearers of Association have given such complaint. Even assuming that the petitioners can also be fastened with the responsibility of the said complaint, still I do not find any reason that giving such complaint itself would give a raise to the cause of action for the 2nd respondent to cancel their license. Unfortunately, these writ petitioners are without license from the year 2002.

7. Therefore, I find that the impugned action of the respondents cannot be sustained. Accordingly, these Writ Petitions are allowed and the respondents are directed to restore the license to the petitioners forthwith, at any event, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

- 1.The Secretary to Government,
The Government of Tamil Nadu,
Commercial Tax Department,
Fort St. George, Chennai - 9.
- 2.The Inspector General of Registration,
Tamil Nadu Registration Department,
Chennai - 28.

+1cc to Government Pleader sr.31015

+3cc to Mr.V.Raghavachari, Advocate sr.30377, 03378, 30380

W.P.Nos.1723, 1733 & 1738 of 2019

sj(co)
nr 12/06/2019

सत्यमेव जयते

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