

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2019

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.11780 of 2010 &
M.P.Nos.1 & 2 of 2010 &
W.P.No.24789 of 2010

W.P.No.11780 of 2010

V.Sivarasu

... Petitioner

Vs

The District Registrar,
District Registrar Office, Salem (West),
Salem District..

... Respondent

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent, dated 14.05.2010 made in Na.Ka.No.892/A3/2010, quash the same and direct the respondent to furnish the materials for the allegation made in the show cause notice.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.P.P.Purushothaman
Government Advocate

W.P.No.24789 of 2010

V.Sivarasu

... Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 28.

2.The District Registrar,
District Registrar Office, Salem (West),
Salem District.

3.The Sub Registrar,
Mettur.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records relating to the proceedings of the first respondent in order No.63105/S2/2009-1, dated 20.09.2010 and quash the same.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.P.P.Purushothaman
Government Advocate

C O M M O N O R D E R

The petitioner in both Writ Petitions is one and the same. W.P.No.11780 of 2010 has been filed, challenging the order of the District Registrar, District Registrar Office, Salem, dated 14.05.2010 made in Na.Ka.No.892/A3/2010. W.P.No.24789 of 2010 has been filed to quash the order of the Inspector General of Registration, Office of the Inspector General of Registration, Chennai, dated 20.09.2010.

2. The case of the petitioner is that he participated in the examination conducted for the purpose of Document Writer and he passed the examination in the year 1994. Thereafter, "A" license was issued, which is valid through out the State of Tamil Nadu. It is further stated that as per the terms and conditions, he has been maintaining the relevant records. While so, the District Registrar, Salem issued a show cause notice, dated 08.03.2010, seeking explanation within a period of 15 days, why the documentary license should not be cancelled. The petitioner sent a reply on 26.03.2010, seeking details of accusation made against him and the relevant materials.

3. The petitioner would state that a similar letter was issued by the Sub Registrar, Mettur on 16.04.2010, directing the petitioner to give a reply within a period of 10 days, for which also, the petitioner sent the same reply on 06.05.2010. The District Registrar, Salem issued another letter dated 14.05.2010, directing the petitioner to give explanation within a period of 15 days, filing which, further action will be initiated against him. Assailing the said letter, W.P.No.11780 of 2010 has been filed by the petitioner.

4. During the pendency of Writ Petition No.11780 of 2010, the first respondent-Inspector General of Registration, Chennai,

suspended the license of the petitioner temporarily, which is challenged in W.P.No.24789 of 2010.

5. The learned counsel for the petitioner would state that the basis on which, the show-cause notice came to be issued is the letter issued by the Principal Secretary to Government in G.O.2(D)No.214, Commercial Taxes and Registration Department, dated 16.10.2009, whereunder proceedings have been initiated against the Sub Registrar, Assistant and Office Assistant in the Office of the Sub Registrar, Mettur, based on the investigation report of the Appropriate Authority of the Government. It is the contention of the learned counsel for the petitioner that the petitioner was not provided with the investigation report and other relevant documents to enable him to give a reply. According to the learned counsel for the petitioner, the action of the respondents is illegal and arbitrary and against the principles of natural justice.

6. Per contra, the learned Government Advocate would state that the petitioner was already issued with the letter of the Principal Secretary to Government, dated 16.10.2009 and hence, no further documents need to be given to the petitioner.

7. I am not able to agree with the submission of the learned Government Advocate for the reason that unless the investigation report and other documents are furnished, the petitioner would not be in a position to give a reply. The documents are relevant for the purpose of reply, but without providing the documents, the respondents are not entitled to take action against the petitioner.

8. For the reasons stated above, orders impugned in these Writ Petitions are set aside and the matters are remanded back to the respondents concerned, who shall take appropriate action against the petitioner, after furnishing relevant materials to enable him to give a reply. Accordingly, these Writ Petitions are allowed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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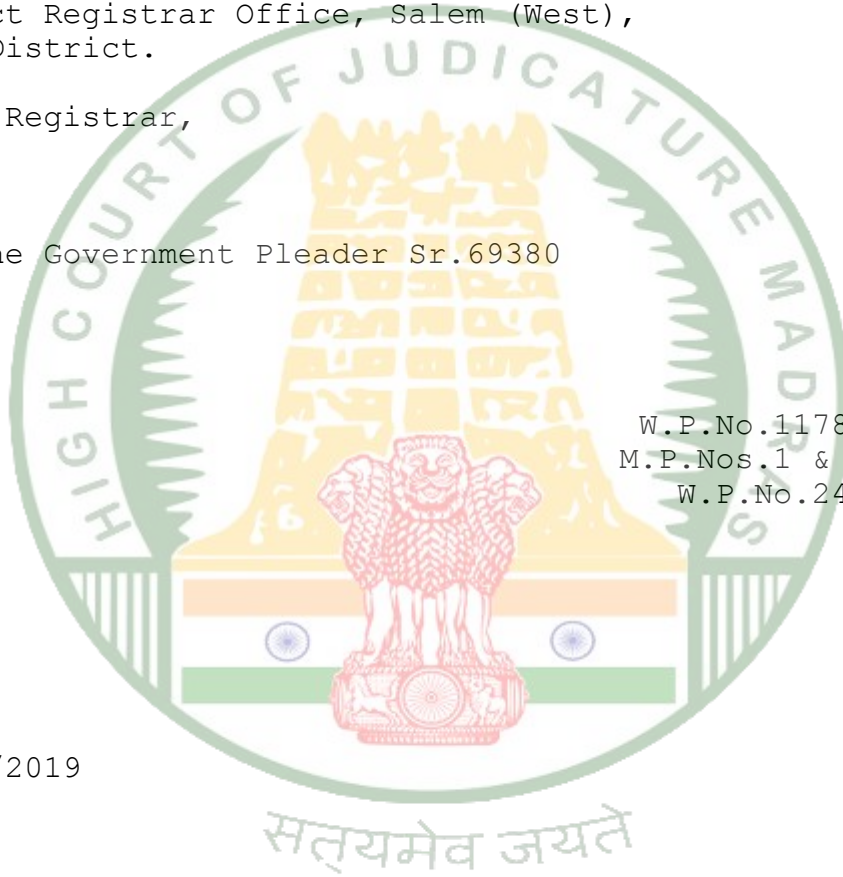
To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 28.
- 2.The District Registrar,
District Registrar Office, Salem (West),
Salem District.
- 3.The Sub Registrar,
Mettur.

+1cc to the Government Pleader Sr.69380

W.P.No.11780 of 2010 &
M.P.Nos.1 & 2 of 2010 &
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srg 28/09/2019



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