

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

CORAM:

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.22875 of 2010

P.M.Natarajan

..Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road, Foreshore Estate,
Chennai - 600 028,

2.The Deputy Inspector General of Registration,
No.167/10, Bashyam Nagar, Manjakuppam,
Cuddalore - 1.

3.The District Registrar,
Rottikara Street, Tindivanam.

4.B.Uma

...Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to the Na.Ka.No.40931/S1/2009 dated 15.07.2010 and quash the same and consequently direct the third respondent to grant license to the petitioner as the Stamp Vendor for the Jayapuram Area at Tindivanam, Villupuram District.

For Petitioner : Mr.R.Karunakaran

For Respondents :

Mr.T.M.Pappiah,

Special Government Pleader
for RR1 to 3

Mr.Sai Bharath for R4

ORDER

This Writ Petition is filed seeking for writ of Certiorarified Mandamus to quash the proceedings dated 15.07.2010 in Na.Ka.No.40931/S1/2009 and further to direct the third respondent to grant license to the petitioner as Stamp Vendor for the Jayapuram Area at Tindivanam.

2.The case of the petitioner is that he applied for the post of Stamp Vendor on 12.08.2008 with all necessary documents. On 18.08.2008, a new publication was put up on the Notice Board of the third respondent. According to which, revised application was to be submitted by the petitioner for Stamp Vendor post on or before 04.09.2008. Accordingly, the petitioner has also submitted the same on 01.09.2008 and was called to appear for an interview on 17.09.2008. The petitioner also appeared along with necessary documents and he has also submitted a memorandum explaining as to why he should be appointed for the Stamp Vendor Post.

3.In further, the third respondent/interviewing officer refused to receive the memorandum produced by the petitioner. However, the petitioner has submitted the above said memorandum to the third respondent by post. Thereafter, on 08.12.2008, the petitioner wrote a letter to the third respondent requesting him to furnish the information as to whether orders have been passed on his application by R.P.A.D., and the same was received by the third respondent on 10.12.2008. On 16.12.2008, the third respondent replied stating that the list of candidates appointed for post of Stamp Vendors have been published in the Notice Board of the respective Sub-Registrar's Office and no separate order has been passed with respect his application and the said publication was put up in the notice board on 20.12.2008.

4.As per the said list, one B.Uma residing at No.28, Eswaran Koil Street, Tindivanam, the fourth respondent herein was appointed as the Stamp Vendor and the petitioner's name was not found in the list and the petitioner was not informed on what basis his application has been rejected or not considered. Hence, the petitioner had filed an appeal before the Deputy Inspector General of Registration, Cuddalore, the second respondent herein on 29.12.2008. He has submitted in the appeal that the fourth respondent's own brother one Thiru.Nakkiran is already appointed as Stamp Vendor for Tindivanam area and secondly, the said B.Uma is M.A, B.Ed., graduate and therefore, has a better chance of getting a job. Further, he also submitted that the fourth respondent is already working as a Teacher at Ammani Ammal Memorial Tagore School situate at N.G.O. Colony, Tindivanam.

5.Thereafter, all of a sudden without calling the petitioner for enquiry on 30.06.2009, the second respondent informed the petitioner that the stamp vendor posts numbering 20 have already been appointed in accordance with rules and regulations. Aggrieved over the same, the petitioner preferred a revision petition before the Inspector General of Registration, Chennai,

the first respondent herein on 08.08.2009 and the same was received by him on 12.08.2009. Further, on 20.07.2010, the first respondent passed a non-speaking order stating that the fourth respondent is not working in any educational institution and that she is only working as the Stamp Vendor.

6. According to the petitioner, the first respondent has not at all considered any of the grounds raised by the petitioner and that the fourth respondent's brother is working as a Stamp Vendor at Tindivanam. Further, on 21.06.2010, the third respondent/District Registrar on verification in the Tagur Education Institution, while interrogating with the employees of the same school, have stated that the fourth respondent has been working as a Teacher in the same school and after getting written letter he will intimate the same to the second respondent. But, however, the third respondent submitted his reply as if he had received the information that the fourth respondent is not on the job in the Tagur Education Institution. But, in contra the fourth respondent, while applying and as well as at the time of selection to the post of Stamp Vendor has been working in the same school and hence, she is disqualified from getting the post of Stamp Vendor. Therefore, the third respondent furnished wrong information and on that basis, the first respondent passed an impugned order in Na.Ka.No.40931/S1/2009, dated 15.07.2010 and the second respondent has not called for any enquiry and without holding the same, on 30.06.2009, passed a non-speaking order and in respect of the petitioner's application, no separate order has been passed by the District Registrar/third respondent.

7. Aggrieved by the order dated 15.07.2010 in Na.Ka.No.40931/S1/2009, the petitioner has prayed for issuance of a writ of Certiorari/Mandamus to quash the impugned order and to direct the third respondent to appoint the petitioner as the Stamp Vendor for the Jayapuram Area at Tindivanam, Villupuram District.

8. No counter has been filed by the respondents 1 to 3. It is averred in the counter affidavit filed by the fourth respondent that she appeared for the said interview to the post of Stamp Vendor and she has a post graduate degree, i.e. M.A(History) degree, Solvency Certificate to the tune of Rs.9,39,976/- issued by the Tahsildar Tindivanam, Encumbrance Certificate to the said property, Physical Fitness Certificate, Conduct Certificate issued by the Hon'ble Subordinate Judge of Tindivanam, Residence Certificate issued by the Deputy Tahsildar, Tindivanam, Eye Certificate issued by the concerned Doctor, Community Certificate and Police Certificate and after considering the same, licence was granted to her to vend stamps by the District Registrar, Tindivanam on 01.12.2008 in license no.2403/B1/2008

and from the date of the license being granted, the fourth respondent has been vending stamps of non-judicial stamp papers and Court Fee labels without any hindrance from any person.

9.It is further averred in the counter affidavit filed by the fourth respondent that the petitioner having failed to acquire a license to vend stamps has filed this writ petition with imaginary grounds. The petitioner has submitted a Memorandum to seek license to vend stamps without furnishing the required documents as per the notification and it is also seen from his application that he has produced the Solvency Certificate only to the tune of Rs.3,79,175/- and therefore, he did not fulfil the requirements to issue license to vend stamps. Further, the petitioner was aged about 65 years at the time when he filed the application and he is a retired employee from a co-operative society and that the petitioner is not at all eligible to acquire the said permit for vending stamps. Further, the Lincensees list was published in the notice board of the respective Sub-Registrar Office and as such, no separate order has been passed to each application filed.

10.Further, the main contention of the petitioner as against the fourth respondent is on two folds. Firstly, that the fourth respondent is working as a teacher at Tagoor Educational Society, Tindivanam and secondly, that already a license has been granted to the fourth respondent's brother to vend stamps papers. With respect to the first contention raised, the fourth respondent submits that at the time of applying for the Stamp Vendor post, the fourth respondent was not working in the said school and earlier she was working as a part time teacher for kinder garden students. With respect to the second contention raised, the second respondent would submit that she was married in the year 1997 and since then she is living with her family in the above mentioned address and further that she has ration card, voter ID and other revenue documents to show that she is a permanent resident of the said address. She further admits that Mr.Nakkeeran Prabhu ie., her brother was issued license to vend stamps. However, she submits that the license was not granted to the same family members as alleged by the petitioner. She further submitted in this regard that she applied for the license in the year 2008 and it was granted on 01.12.2008. Whereas, her brother was granted license in the year 2000 and that too for some other area. Hence, there cannot be any allegation that there is no impediment for family members being granted license for selling stamps.

11.The fourth respondent would further contend that the petitioner is more than 65 years old and he has retired from service. Further, the petitioner has completed only X standard. Whereas, the fourth respondent has completed Post Graduate Degree.

12. Heard both sides and perused the materials placed on record.

13. It could be seen from the materials available that the petitioner has applied for the said stamp vendor license and he has also appeared for the said interview. During the course of the interview, he has produced some memorandum to the interviewing officer. The said officer rejected the said claim and he has not accepted the said memorandum. The petitioner submitted the above said memorandum to the third respondent by post. Thereafter, on 08.12.2008, the petitioner has written a letter to the third respondent requesting him to furnish the information as to whether any orders have been passed on his application. The third respondent, in response to the same sent a letter stating that the list of candidates selected for the post of stamp vendors has been published in the notice board of the respective Sub-Registrar's Office. Accordingly, the petitioner was not selected for the said post. Further, the petitioner has no proof to show that there was any malafide intention or any bias or any perversity shown in selecting the candidates. The third respondent/District Registrar has also given a reply dated 22.06.2010 stating that the fourth respondent was not working in Tagur Education institution at the relevant period when she applied for the post of stamp vendor.

14. Further, it is seen that after conducting proper enquiry with regard to allegation whether the fourth respondent was working in the said school at the relevant point of time, the third respondent has issued license to vend stamps to the fourth respondent and the petitioner's claim was rejected. The petitioner was also informed to file application if fresh applications are called for to the post of stamp vendor. However, the petitioner has not approached the concerned authority for the same and if he is still interested in getting a license, he can submit a fresh application at the time when the same has been called for afresh. The petitioner has averred false allegations and had filed this writ petition. However, the petitioner has no evidence to show that the fourth respondent's selection to the said post was illegal. That apart, the petitioner has not challenged the entire selection process but, has challenged only the selection of the fourth respondent to the said post. When no proof is produced to show that the selection process is illegal and the fourth respondent is not competent to be selected as a stamp vendor, this writ petition fails.

15. In view of the above facts, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg

To

- 1.The Inspector General of Registration,
Santhome High Road, Foreshore Estate,
Chennai - 600 028,
- 2.The Deputy Inspector General of Registration,
No.167/10, Bashyam Nagar, Manjakuppam,
Cuddalore - 1.
- 3.The District Registrar,
Rottikara Street, Tindivanam.

+lcc to Mr.R.Karunagaran, Advocate sr.25848
+lcc to Mr.Sai Bharath, Advocate sr.25587
+lcc to Government Pleader sr.26287

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nr 25/06/2019

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