

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P. No.34813 of 2005
and
W.M.P.No.37691 of 2005

T.V.Annamalai

..Petitioner

- 1.The Inspector General
Department of Registration,
Chennai
- 2.The Deputy Inspector General
Department of Registration
Cuddalore
- 3.District Registrar
Department of Registration
Thindivanam Villupuram District
- 4.Sub Registrar of Chengi
Chengi, Villupuram District.

... Respondents

Prayer: The Writ Petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorarified Mandamus to call for records bearing No.5045/A1/04 dated 06.12.2004 passed by the 3rd Respondent which was confirmed by the 2nd respondent in their orders being No.14/E/2005 dated 03.01.2005 and quash the same.

For Petitioner : Mr.Thanjai P.N.Chezian

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

ORDER

Heard Mr.Thanjai P.N.Chezian learned counsel for the petitioner, Mr. Mr.P.P.Purushothaman learned Government Advocate and perused the materials available on record.

2. This petitioner has come forward with the Writ Petition assailing the order of the 2nd and 3rd respondents wherein the petitioner's stamp vendor licence was canceled.

3.It is the case of the petitioner that he was granted stamp vendor licence by the 3rd respondent which was attached to

the office of the Sub Registrar, Chengi. Since then he has been vending the non Judicial and Court fee labels at Chengai and the stock register was verified by the 3rd respondent frequently, as per the norms and procedures. While so the respondent issued the show cause notice dated 30.11.2004 seeking for explanation for alleged variation between the stock register and the actual indent. The petitioner submitted his explanation, but Without considering the same, licence was canceled by the 3rd respondent and the same was confirmed by the 2nd respondent.

4.Mr.Thanjai P.N.Chezhian learned counsel for the petitioner would argue that the orders of the 2nd and 3rd respondents are liable to be set aside on the sole ground of violation of principles of natural justice. According to the learned counsel, the explanation submitted by the petitioner was not considered and further no opportunity was given to the petitioner to prove that there was no variation between the stock register and actual indent.

5. per contra Mr.P.P.Purushothaman learned Government Advocate based on the counter filed by the 3rd respondent would submit that there are huge variation between the stock register and actual indent. The original documents were verified by the authorities and only there after licence of the petitioner was canceled and hence, there is no violation of the principles of natural justice.

6. In this matter on hand. It is not in dispute that the petitioner was issued with the stamp vendor licence and it is also stated that eventhough, the stamp vendor licence was cancelled in the year 2004, in view of the interim order granted in the Writ Petition, the petitioner is still vending stamps. It is pertinent to note that for the show cause notice issued by the 3rd respondent, the petitioner gave a detailed reply dated 30.11.2004. but, from a perusal of the impugned order, it is seen that the reply submitted by the petitioner was not all considered and it was rejected without assigning any reasons.

7.In view of the above fact, in my considered opinion, the impugned order is liable to be set aside and the matter is remanded back to the 3rd respondent for fresh consideration. The 3rd respondent shall pass orders a fresh after providing an opportunity to the petitioner in accordance with law.

6.With the above directions,, this Writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsn

To

- 1.The Inspector General
Department of Registration,
Chennai
- 2.The Deputy Inspector General
Department of Registration
Cuddalore
- 3.The District Registrar
Department of Registration
Thindivanam Villupuram District
- 4.The Sub Registrar of Chengi
Chengi, Villupuram District.

+lcc to Mr.Thanjai P.N.Chezhian, Advocate sr.71917
+lcc to The Government Pleader sr.73434

W.P. No.34813 of 2005
and
W.M.P.No.37691 of 2005

mp(co)
nr 23/10/2019

WEB COPY