

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30929 of 2015
and
M.P.Nos.1 & 2 of 2015

Mohammed Jan,
S/o.Hussain Saheb.

.. Petitioner

-vs-

- 1.State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Commercial Tax and Registration Department,
Fort St., George,
Chennai-600 009.
- 2.The Inspector General of Registration,
Santhome, Chennai-600 009.
- 3.The Deputy Inspector General of Registration,
Salem.
- 4.The District Registrar (Administration),
Krishnagiri District.
- 5.The Sub Registrar,
Hosur,
Krishnagiri District.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents 1 and 3 issued in G.O.(D) No.239 Commercial Tax and Registration (M2) Department dated 01.07.2015 and quash the same and consequently direct the respondents 2 to 4 to renew the petitioner's document Writers License bearing No.A/86/95/KSG with effect from 31.12.2013 within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents: Mr.P.P.Purushothaman,
Government Advocate

ORDER

Heard Mr.R.Bharathkumar, learned counsel for the petitioner and Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents.

2.This writ petition has been filed by a Document Writer, who was granted a licence by the 2nd respondent dated 20.04.1995. The petitioner had drafted and executed a deed of settlement dated 29.08.2011, in favour of his brother Mr.Dadabhai. This document was presented for registration before the Sub Registrar and registered as Document No.12178/11 on the file of Sub Registrar, Hosur. Copy of the document clearly shows that it is drafted by the petitioner. The problem arose on account of the property which was subject matter of the said deed of settlement. The property had been gifted to the Government/ local body for formation of street and establishment of a park in an approved layout.

3.The petitioner's case is that there was a larger extent of land measuring about 9 acres and 24 cents out of which, the petitioner is stated to have purchased an extent of 1 acre and 60 cents. Even prior to that, the petitioner had executed a Power of Attorney in respect of the entire extent for development of a housing layout. The application was being processed in the year 1993, the extent reserved for street and park was gifted to the local body and a gift deed was executed and registered by Power of Attorney Agent of the writ petitioner. Subsequently, in the year 2011, the petitioner settles an extent of 88 cents in favour of his brother, Dadabhai. In the said document, he is the settlor and he is also the Document Writer, who had drafted the document. Thus, it came to light that the property which was settled by the petitioner/ Document Writer on 29.08.2011, in favour of his brother, Dadabhai, was a land already gifted to the Government and vested with the local body for park and street. This resulted in issuance of an order of suspension on 20.06.2013, passed by the 4th respondent and subsequently, a show cause notice was issued on 27.08.2013. The reply given by the petitioner was perused and by a speaking order, the petitioner's licence was cancelled. Aggrieved by the same, the petitioner preferred an appeal before the Government, which has rejected the appeal by order dated 01.07.2015.

4.After elaborately hearing the learned counsel for the parties, this Court finds that the petitioner has not made out any ground to interfere with the orders passed by the Government confirming the order of punishment. The petitioner's delinquency would clearly fall within the scope of Rule 16(1) of the Tamil Nadu Document Writers' Licence Rules, 1982 on account

of the misconduct committed by him. The petitioner cannot feign ignorance that the property was gifted to the local body in the year 1993 itself. The petitioner cannot plead that this document was executed by his Power of Attorney Agent and the activities of a Power of Attorney Agent will bind the principles and therefore, the gift deed executed in favour of the local body in the year 1993 binds the petitioner and therefore, he is barred and estopped from settling the same property in favour of his brother.

5. Thus, in the considered opinion of this Court, it is a clear case of fraud and cheat. Therefore, this Court finds that the cancellation of the petitioner's Document Writers Licence has been rightly passed and the petitioner deserves no negligence.

6. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

abr
To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Commercial Tax and Registration Department,
Fort St., George, Chennai-600 009.

2. The Inspector General of Registration,
Santhome, Chennai-600 004

3. The Deputy Inspector General of Registration,
Salem.

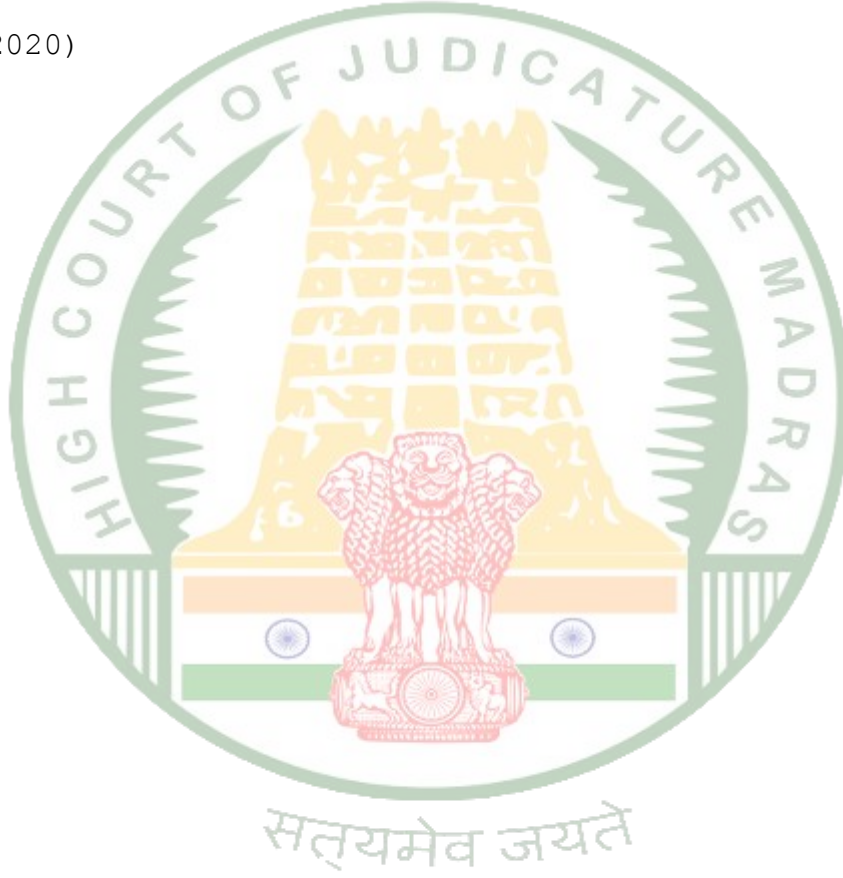
4. The District Registrar (Administration),
Krishnagiri District.

5.The Sub Registrar,
Hosur, Krishnagiri District.

+1 CC to Mr.R.Bharath Kumar, Advocate sr 102567.

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VBA (CO)
SP (24/01/2020)



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