

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-9488-2018 (O&M)
Date of decision : 16.07.2019

Raj Kumar Nanda

...Petitioner(s)

Versus

Financial Commissioner Revenue, Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nitin Sharma, Advocate,
for Mr. Ramesh Sharma, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

JITENDRA CHAUHAN, J.

Prayer in the instant petition is for quashing of orders dated 19.09.2017, 03.11.2017 and 07.02.2018 (Annexures P-9, P-11 and P-12, respectively), whereby, the application of the petitioner for renewal/revival of the Deed Writer Licence and in the alternate prayer to issue new licence, was rejected.

It is contended that the petitioner was issued Deed Writer Licence in the year 1982 which he surrendered on 03.02.1999 (Annexure P-2), on his joining the government job. The petitioner after retirement from government service, represented for revival of the licence in question vide application Annexure P-3. The application of the petitioner was rejected vide order dated 16.12.2014 (Annexure P-5) on the ground that there was no such provision in the Document Writer Rules, 1961 (for short, 'the 1961 Rules'), vide which the document writer licence which was surrendered

could be revived. Aggrieved against the said order of rejection, the petitioner preferred appeal before the Commissioner, Jalandhar, Division, Jalandhar which was also dismissed vide order dated 17.11.2016 (Annexure P-6). Thereafter, the petitioner preferred appeal before respondent No.1 which was disposed of with liberty to move an application for issuance of a fresh licence vide order dated 12.07.2017 (Annexure P-7). The petitioner again moved application dated 03.08.2017 (Annexure P-8) before the Deputy Commissioner, Jalandhar for giving back the licence which was earlier surrendered. The application was dismissed vide order dated 19.09.2017 (Annexure P-9) on the ground that the relief sought was not in consonance to the order dated passed by respondent No.1 (Annexure P-7). The petitioner then challenged impugned order dated 19.09.2017 (Annexure P-9) before the Deputy Commissioner, Jalandhar vide application/representation dated 25.09.2017 (Annexure P-10), which was also dismissed vide impugned order dated 03.11.2017 (Annexure P-11). Ultimately, the petitioner moved petition under Section 16 of the 1961 Rules before respondent No.1 which was also dismissed vide order dated 07.02.2018 (Annexure P-12).

Learned counsel contends that the petitioner surrendered his licence and the same was never cancelled. It still exists in the name of the petitioner as is evident from the list of deed writers (Annexure P-13). Therefore, the rejection of claim of the petitioner is wrong and illegal.

On the other hand, learned State counsel submits that there is no provision of renewal/revival of the deed writer licence in the 1961 rules after a period of 15 years. Further, the claim of the petitioner is premature

as the process for issuance of licences in question has not been initiated by the Inspector General of Registration, Punjab. She refers to Rule 6 of the 1961 Rules which provides that the number of licences for each registration district and sub-district shall from time to time be fixed by the Inspector General of Registration who shall hold a special examination for issuing of fresh licences.

Heard.

It has been argued on behalf of the petitioner that there is no bar in the relevant rules for renewal/revival of a licence granted to the petitioner before joining the government service after his retirement. However, no material has been placed on record in support of this assertion. To the contrary, the respondents have relied upon amended Rule 12 of the 1961 Rules, which reads thus:-

“12. Validity of License.- (1) A licence issued under these rules shall be valid for a period of five years and may be renewed for another period of five years, subject, however, to payment of rupees one thousand payable in the form of the demand draft in favour of Inspector General of Registration, Punjab, within a period of thirty days before the expiry of the licence.

(2) In case a licensee fails to make application, for renewal within the time specified time, he may make an application to the Licensing Authority along with a late fees of rupees four hundred in the form of demand draft along with regular fee and submit the same before the Licensing Authority. The Licensing Authority, if satisfied that the licensee was prevented from making such

application, for a reasonable and sufficient cause, he may allow such application within a period of sixty days from the date of expiry.”

Thus, after such a long period of about 15 years, the petitioner cannot claim its renewal.

As far as the issuance of a fresh licence is concerned, the same cannot be claimed as a matter of right and the provisions of the 1961 Rules have to be followed in the matter. The process has not been initiated by the Inspector General of Registration, Punjab for issuance of fresh licences.

In view of the above, the instant petition is dismissed.

However, the petitioner is free to participate as and when the process for issuance of licences is initiated by the Inspector General of Registration.

16.07.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No