

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10410 of 2020 and  
W.M.P.Nos.12662 & 12668 of 2020

Palaniammal

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,  
No.6/1, GRD Road,  
Kamarajar Road, Red Fields,  
Coimbatore 641 045.

2.The District Registrar (Administration),  
Tiruppur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for the records of the first respondent in the impugned order dated 01.07.2020 in Mu.Mu.No.3539/A2/2019 quash the same and further direct the respondents to grant license to the petitioner to sell stamp papers and pass orders.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.T.M.Pappiah,  
Special Government Pleader

सत्यमेव जयते  
O R D E R

By consent given by either side, the main writ petition itself has been taken up for final hearing.

2.This writ petition has been filed challenging the impugned proceedings of the first respondent dated 01.07.2020, rejecting the appeal filed by the petitioner on the ground that it has been filed beyond limitation.

3.The case of the petitioner is that she was granted licence in the year 1998 for selling stamp papers. In the year 2017, the petitioner developed a serious health problem and she was not able to continue with the work of selling stamp papers for one full year. The petitioner thereafter, made a representation to permit her to continue to sell the stamp papers and the same was rejected by the second respondent by proceedings dated 22.05.2008 on the ground that the petitioner

did not obtain proper permission before taking a break for a period of one year. On that count, the original licence given to the petitioner was cancelled.

4.The petitioner thereafter, filed an appeal before the first respondent and the first respondent has rejected the appeal on the ground that it has been filed beyond limitation. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The learned counsel for the petitioner submitted that the petitioner was suffering from serious illness such as dysfunctional uterine bleeding, hyper tension, viral hepatitis through out the year 2017. The petitioner was therefore not able to do her work. The learned counsel further submitted that the second respondent even without affording an opportunity to the petitioner straight away proceeded to cancel the licence by proceedings dated 22.05.2018 and the same is in violation of Rule 25(iii) of the Tamil Nadu Stamp Rules, 1960. The learned counsel further submitted that the order passed by the second respondent is in violation of principles of natural justice.

6.The learned counsel for the petitioner further submitted that the first respondent ought to have entertained the appeal filed by the petitioner since the first respondent had sufficient power to condone the delay. However, the first respondent has proceeded to reject the appeal only on the ground of delay. The learned counsel therefore submitted that the impugned proceedings of the first respondent requires interference.

7. Per contra, Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner absented herself for nearly one year without informing the concerned authority and therefore, the second respondent has rightly cancelled the licence given in favour of the petitioner. The learned counsel further submitted that the appeal was filed beyond limitation period and therefore, it was rejected by the first respondent. The learned counsel submitted that there are no grounds to interfere with the orders passed by the first respondent and the writ petition is liable to be dismissed.

8.This Court has carefully considered the submissions made on either side and the materials available on record.

9.The petitioner is eking her livelihood by selling stamp papers and she has been a stamp vendor from the year 1998 onwards. The petitioner unfortunately developed serious illness during the year 2017 and was out of action for nearly a year. The second respondent ought to have taken into consideration the health condition of the petitioner and the second respondent was not right in straight away cancelling the licence of the petitioner. The order passed by the second respondent has resulted in civil consequences and therefore, such an order

could have been passed only after affording opportunity to the petitioner.

10. The first respondent had the authority to condone the delay. However, the first respondent has chosen to reject the appeal only on the ground of delay. Both the respondents failed to note the fact that the petitioner has been deprived of her livelihood and her licence has been cancelled, which she was holding from the year 1998 onwards. In the considered view of this Court, the first respondent has dealt with the appeal in a very hyper technical manner.

11. In view of the above discussion, this Court has absolutely no hesitation to interfere with the impugned order passed by the first respondent on 01.07.2020 and accordingly, the same is quashed. The first respondent is directed to take the appeal filed by the petitioner on file and pass appropriate orders within a period of four weeks by restoring the licence of the petitioner. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order.

12. In the result, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Deputy Inspector General of Registration,  
No.6/1, GRD Road,  
Kamarajar Road, Red Fields,  
Coimbatore 641 045.

2. The District Registrar (Administration),  
Tiruppur.

+1cc to the Government Pleader, S.R.No.26722

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PA (CO)  
CB(21/08/2020)

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