



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P.(MD)No. 11196 of 2011

and

M.P.(MD) No. 1 of 2011

Padma

... Petitioner

Vs.

1.The Regional Deputy Registrar of Registration,
Thanjavur.

2.The District Registrar,
Pattukkottai,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue of Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent vide its impugned proceedings in No. 4930/Aa1/2000 dated 18.11.2008 and confirmed by the 1st Respondent vide its impugned proceedings No. 5206/Vu/2009 dated 23.07.2010 and quash the same and to direct the Respondents to issue Stamp Vendor Licence to the Petitioner.

For Petitioner	: Mr. S.Deenadhayalan
For Respondents	: Mr. M.Murugan Government Advocate

O R D E R

The Petitioner, who was appointed as Stamp Vendor, is aggrieved by the Order No. 4930/Aa1/2000 dated 18.11.2008, passed by the Second Respondent which has been confirmed in appeal by the First Respondent in the order No.5206/Vu/2009 dated 23.07.2010, cancelling her licence.

2. A perusal of the impugned orders do not disclose any reason for cancellation of licence of the Petitioner as Stamp Vendor. However, in the counter affidavit, the Second Respondent has come forward with the following explanation:-

"4. It is submitted that Rule 25(iii) of the Tamil Nadu Stamp Rules provides that every licence granted is revocable at any time by the authority who granted it for breach of conditions or disobedience of rules or any other valid reasons. An enquiry conducted by District Registrar, Pattukkottai on a complained received from an association



revealed that the petitioner while applying for grant of licence concealed the fact that her husband is a Licensed Document Writer. In the light of Rule 5 of the Tamil Nadu Document Writers licence Rules, 1982, the petitioner's husband being a licensed document writer disqualifies her self from applying for grant of Licence to vend stamps. Since enquiry revealed that the petitioner has suppressed the fact of her husband being a document writer, the then District Registrar vide his proceedings No.4930/B1/2008 dated 18.11.2008 revoked the licence issued to the vendor."

It is apparent from the aforesaid contentions by the Respondents that the reason for cancelling the licence of the Petitioner was not one under the Tamil Nadu Stamp Rules, which governs the grant and cancellation of licences to Stamp Vendors.

3. The Tamil Nadu Stamp Rules under which the grant and cancellation of licence to Stamp Vendors is made, have been framed under Section 76 - A of the Indian Stamp Act, 1899. Rule 5 (j) of the Tamil Nadu Document Writers licence Rules, 1982, which is framed under Section 89-B of the Registration Act, 1908, prohibits a family member of a Stamp Vendor licensed under the Stamp Act from being granted licence as Document Writer, but the vice versa would not follow in the absence of any rule shown to that effect.

4. That apart, there is nothing on record to show that any prior notice or opportunity of personal hearing had been afforded to the Petitioner in compliance with the principles of natural justice before cancelling her licence as Stamp Vendor. Therefore, it is not possible to sustain the impugned orders.

5. Accordingly, the Writ Petition is allowed and the impugned proceedings of the Second Respondent in Order No.4930/Aa1/2000 dated 18.11.2008 as confirmed by the First Respondent in order No.5206/Vu/2009 dated 23.07.2010, are set aside. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj



To

1.The Regional Deputy Registrar of Registration,
Thanjavur.

2.The District Registrar,
Pattukkottai,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-11792[F] dated 16/03/2020)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-11701[F] dated
13/03/2020)

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MK (12.05.2020) 3P 5C