



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.NO.9434 OF 2014

A.Vasubalan

... Petitioner

Vs.

1. The District Registrar
Thanjavur District
Thanjavur.
2. Inspector General of Registration
Santhome High Road,
Santhome, Mylapore,
Chennai - 600 004.
3. The Secretary,
Commercial Tax & Registration,
Secretariat, Chennai - 600 009.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 3 Respondent pertaining to G.O.D.No.5, dated 20-1-2014 and quash the same and consequently direct the 1st Respondent to pay the petitioner the value of the Stamp Papers seized from the petitioner in a sum of Rs.5,94,120/-.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

O R D E R

The relief sought for in the present Writ Petition is to call for the records of the 3rd respondent pertaining to G.O.D.No.5, dated 20.01.2014 and quash the same and consequently direct the 1st respondent to pay the petitioner the value of the Stamp Papers seized from the petitioner, a sum of Rs.5,94,120/-.



2. The petitioner was a Stamp Vendor and doing the business at Palli-Agraharam, Thanjavur District. The petitioner received an order of suspension from the 1st respondent, the District Registrar, Thanjavur, dated 27.10.2004, suspending Stamp Vending business on the ground that there was variation between the Stamp Papers and the entries made in the Sales Register and selling the Stamp Papers outside the allotted area.

3. The show cause notice dated 17.02.2005 was issued to the petitioner and the petitioner has submitted his explanation. Thereafter, final order was passed revoking the Stamp Vending Licence. Admittedly, a criminal case was registered in respect of the said offence and in Sessions Court the criminal proceedings are pending.

4. In respect of revocation of Stamp Vending License, the petitioner has approached the Government by filing the Revision Petition. The Government considered the facts and circumstances and issued impugned order in G.O.(D).No.5, dated 20.01.2014. The impugned order itself was issued based on the ground that the petitioner has not raised any acceptable grounds for the purpose of setting aside the order of revocation of Stamp Vending License and further the Criminal Case initiated against the petitioner is pending.

5. The learned counsel for the petitioner reiterated that in the order of revocation, two additional charges were included and based on the charges, the Stamp Vending License was revoked. In respect of those two additional charges no opportunity was granted to the Writ Petitioner.

6. This Court is of the opinion that, if at all the said factual aspects are to be considered, the same has to be considered only after the conclusion of the criminal proceedings now pending against the petitioner. However, even in respect of the other allegations, opportunities were granted to the petitioner to submit his explanation and a final order was passed revoking the Stamp Vending License.

7. Thus, even in the absence of the two additional charges, the Stamp Vending License granted to the petitioner was cancelled. Further, criminal proceedings in this regard is pending against the petitioner.

8. Therefore, this Court cannot grant any relief to the Writ Petitioner. If at all the petitioner is exonerated from all the allegations, he is at liberty to approach the competent authorities for reconsideration of the issues.



9. With this liberty the Writ Petition stands dismissed.
However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1. The District Registrar
Thanjavur District
Thanjavur.
2. Inspector General of Registration
Santhome High Road,
Santhome, Mylapore,
Chennai - 600 004.
3. The Secretary,
Commercial Tax & Registration,
Secretariat, Chennai - 600 009.

+1cc to the Special Government Pleader, S.R.No.63451

W.P.No.9434 of 2014

RGN(CO)
PM/14/12/2021