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W.P.No.187 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.187 of 2013
and M.P.No.2 of 2013

N.Ramasamy

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Commercial Tax & Registration Department,
Fort St.George, Chennai - 600 009.
2. The Additional Registrar (Chits & Societies)
(In the cadre of Additional Inspector General
of Registration), Tamil Nadu, Chennai - 600028.
3. The District Registrar,
Cuddalore District,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records of the first respondent in G.O.(D) No.353, dated 16.08.2012, Commercial Taxes & Registration (M2) Department and the order of the 2nd respondent in RC.No.2355/S2/2011, dated 21.07.2011 and quash both the orders.

For Petitioner	:	Mr.M.Sivavarthanan
For Respondents	:	Mr.K.Tippusulthan Government Advocate

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ORDER

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This writ petition has been filed challenging the order of the first respondent confirming the order passed by the second respondent cancelling the licence issued to the writ petitioner under the Tamil Nadu Document Writers Licence Rules, 1982.

2. The allegation against the petitioner is that he prepared an agreement for sale in favour of one Manjini Gounder as if the document is executed on 17.07.2009, whereas, the stamp paper was purchased on 03.11.2009. Based on the complaint by the earlier agreement holder, action has been initiated. A show cause notice was issued to the writ petitioner, wherein, he has admitted that due to work pressure he mechanically drafted the agreement without verifying the dates and sought an apology. Therefore, his licence was cancelled on 21.07.2011 by the second respondent. Challenging the same an appeal has been filed before the first respondent. The first respondent also confirmed the order passed by the second respondent. Challenging the same the present writ petition has been filed.

3. Though the order has been assailed on various grounds, the learned



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counsel appearing for the petitioner would submit that the petitioner's licence was suspended from the year 2011 and almost 11 years is over and he has already suffered enough punishment and therefore prayed for revocation of the licence as the punishment is disproportionate to the charges. Hence he seeks modification.

4. The learned counsel appearing for the respondents would submit that as the document has been created by ante-dating as against the Rules, therefore the first and second respondents have rightly cancelled the licence. He further submitted that however it is left to the discretion of the Court to modify the punishment.

5. I have heard the learned counsel on either side and also perused the materials available on record carefully.

6. It is relevant to note that Rule 16 of the Tamil Nadu Document Writers Licence Rules, 1982 makes it clear that the District Registrar has power to suspend the district licence or sub-district licence of the document writer in his district for a period not exceeding six months at a time for



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misconduct or unsatisfactory work. Whereas the Inspector General of

Registration shall have power to suspend for any length of time the state licence, district licence or sub-district licence of a document writer for misconduct or unsatisfactory work. Similarly, the Licensing Authority shall have the powers to revoke or cancel the licence of a document writer issued by him for misconduct or unsatisfactory work or for any disqualification prescribed in Rule 5, or for breach of any of the conditions of the licences after giving him an opportunity a show cause against the action proposed to be taken against him. Similarly, the Inspector General of Registration shall also have the power to revoke or cancel any licence of a document writer.

7. It is also admitted that the parties to the agreement have arrived at a compromise and settled the issue. Such view of the matter, this Court is of the view that the petitioner suffered suspension for more than 11 years and considering the nature of the issue and that the main issue has also been settled between the parties and revocation of the licence forever will in fact affect his livelihood. Considering the nature of the charge, the period of suspension for all these years is treated as punishment and suspension is revoked. Therefore the petitioner is entitled to apply for fresh licence and the



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respondents are directed to consider issuing fresh licence to the petitioner in accordance with law. It is made clear that while considering the fresh licence, the bar contained in Rule 5(i) may not come in the way for the respondents in granting fresh licence to the petitioner. With the above direction, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

13.10.2022

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To

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Commercial Tax & Registration Department,
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2. The Additional Registrar (Chits & Societies)
(In the cadre of Additional Inspector General
of Registration), Tamil Nadu,
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N.SATHISH KUMAR, J.

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