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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2095 of 2012

Vijayalakshmi ... Petitioner

Vs.

The District Registrar,
Office of the District Registrar,
Coimbatore. ... Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the respondent in his Proceedings No.12870/A3/2010, dated 06.01.2012 served on 10.01.2012 and quash the same.

For Petitioner : M/s.S.Selvathirumurugan

For Respondent : M/s.R.Kumaravel
Additional Government Pleader
(Registration)

O R D E R

The challenge to the Writ Petition is a show cause notice issued by the respondent in his Proceedings No.12870/A3/2010, dated 06.01.2012.

2. The petitioner would contend that she is a Document Writer as defined under Rule 2(d) of the Tamil Nadu Document Writers Licence Rules, 1982. As per Sub-Rule (g) of Rule 2, the Inspector General of Registration or the Deputy Inspector General of Registration of respective zone authorised by him in this behalf in respect of State Licences is the Licensing Authority. Insofar as the District and Sub-district licences are concerned, the District Registrar is the Licensing Authority.

3. Even though the petitioner is a State Licensee and the Inspector General of Registration is the Licensing Authority

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under Sub-Rule (g) of Rule 2, the respondent has issued a show cause notice dated 06.01.2012 as per Rule 16(3) of the Rules. The show cause notice issued by the respondent is without jurisdiction.

4. The learned Additional Government Pleader appearing for the respondent would contend that Rule 16 of the Tamil Nadu Document Writers Licence Rules, 1982, empowers that the Licensing Authority has the power to revoke or cancel the license for misconduct or unsatisfactory work done by the Document Writer. Before cancelling or revoking the licence, an opportunity should be given. The Inspector General of Registration, by his Letter No.50794/SC/2010, dated 14.11.2011, has directed the District Registrar to issue a show cause notice. Therefore, as per the instructions of the Inspector General of Registration, the respondent has issued the show cause notice. Final order will always be passed by the Inspector General of Registration. Therefore, the petitioner without submitting her explanation, has rushed to the Court. Therefore, according to him, the Writ Petition against the show cause notice is not maintainable.

5. I have considered the submissions made by the learned counsel appearing on either side.

6. It is true to state that when a show cause notice is issued, the Document Writer shall submit his/her explanation within a stipulated time therein. Even assuming an order is passed by the District Registrar, there is an appeal provided under Rule 17 of the said Rules. However, a reading of the impugned order shows that the respondent has issued the show cause notice as per the powers conferred on him under Rule 16(3) of the Tamil Nadu Document Writers License Rules, 1982. Rule 16 of the Tamil Nadu Document Writers Licence Rules, reads under:-

> 16. Suspension and cancellation of the licence - (1) The District Registrar shall have the power to suspend the district license or sub-district licence of the document writer in his district for a period (not exceeding six months) at a time for misconduct or unsatisfactory work.
>
> (2) 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.
>
> (3) The Licensing Authority shall have the powers to revoke or cancel the licence of a document

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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. The Inspector General of Registration shall also have the power to revoke or cancel any licence of a document writer.

7. A plain reading of Rule 16(1) and 16(2) shows that it does not provide any power on the respondent to issue a show cause notice against a State Licensee. Even though it is submitted that by letter dated 14.11.2011, the Inspector General of Registration has delegated his power to the District Registrar, but, I do not find any materials in support of the same.

8. Considering the facts and circumstances of the case, the impugned order on the face of it, is without jurisdiction and therefore, the same is set aside. However, it is made clear that it is always open to the Competent Authority to proceed afresh by issuing a show cause notice as per Rule 16 (2) and (3) of the Rules.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The District Registrar,
Office of the District Registrar,
Coimbatore.

+1cc to Mr.Selvathirumurugan, Advocate, S.R.No.11802

+1cc to the Government Pleader, S.R.No.11588

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KV(CO)
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