



W.P.(MD).No.16911 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16911 of 2013

and

M.P(MD) Nos. 1 and 2 of 2013

P.Jaya

... Petitioner

-VS-

1. The District Registrar (Admn)
Madurai North,
In the Cadre of
Assistant Inspector General of Registration,
(AIG), Madurai.

2. Thiru S.Sivakumar, BBA., M.Com.,
Now Working as District Registrar (Admn)
Madurai North.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.2619/R2/2013, dated 07.10.2013, quash the same.



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For Petitioner : Mr.Ram Sundar Vijayan
For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R2 : Mr.K.Viralinathan

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent, under which, Stamp Vendor License of the writ petitioner was permanently cancelled invoking Rule 25(iii) of Tamil Nadu Stamp Rules.

2. According to the learned counsel for the petitioner, a complaint was lodged by one Thirupathy, on 18.07.2013, alleging that the petitioner and her husband, both are having Stamp Vendor License and the same is illegal. A show cause notice was issued to the writ petitioner on 06.08.2013, enclosing the complaint given by the said Thirupathy. The petitioner has also submitted her explanation to the effect that she has shifted her residence and she has already informed about the change of address. Thereafter, the present impugned order has been passed on 07.10.2013,



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under which, the allegation made by one Masanam has been referred to, as the cause of action for initiating action.

3. The learned counsel appearing for the petitioner has contended that the show cause notice has referred to a complaint made by one Thirupathy, on 18.07.2013. In the said complaint, there are no allegations as against the writ petitioner. The writ petitioner has also submitted an explanation as called for in the Memo, dated 06.08.2013. However, while passing the impugned order, dated 07.10.2013, the first respondent herein has relied upon the complaint made by one Masanam, on 27.01.2009 and 18.07.2013. The first respondent has also relied upon the statement given by the said Masanam, on 06.08.2013. Hence, it is clear that the show cause notice was issued based upon the complaint given by Thirupathy and enquiry was conducted based upon the complaint lodged by one Masanam.

4. Hence, it is a clear case of non-application of mind and the petitioner was taken by surprise by the impugned order. Since the impugned order is contrary to the allegations made in the complaint made by



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Thirupathy and the impugned order relied upon the different complaint made by Masanam, the order is suffers from infirmity and illegality and the same is set aside.

5. With the above said observation, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26 .09.2022

Index : Yes / No
Internet : Yes / No

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To

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R.VIJAYAKUMAR,J.

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