



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6492 of 2021

and

W.M.P (MD)Nos.5066 & 5067 of 2021

S.Sakthivadivel

... Petitioner

Vs

1.The Secretary,
Department of Commercial Tax and Registration,
The Government of Tamilnadu,
Department of Registration,
Chennai.

2.The Inspector of General Registration,
Department of Registration,
Chennai.

3.The District Registrar,
Office of District Registrar,
Tenkasi District.

4.The Sub Registrar,
3/206, Rajeevganthi Nagar,
Nainaragaram, Idikkal,
Tenkasi District - 627 804.

5.S.Akilan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned Notification, dated 03.02.2021 in respect of Vacancies in Stamp Vendor Posts covered under the jurisdiction of Sub Registrar offices in Tenkasi-2 and consequential License No.2/2021 dated 08.03.2021, 566/E5/2021/2 dated 08.03.2021 granted by the third respondent to the fifth respondent and set aside the same as null and void and contra to the Indian Stamp Rules, 1925 of the Rule 25 (c) for Appointment of Licensed Stamp Vendors by considering the petitioner's representation, dated 12.02.2021 within the period as stipulated by this Court.



For Petitioner : Mr.A.Haja Mohideen

For Respondents: Mr.K.S.Selva Ganesan
Additional Government Pleader for R.1 to R.4

Mr.M.Sridharan for R.5

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ORDER

Heard the learned counsel on either side.

2. The petitioner is a licensed stamp vendor carrying on his business in Nainaragaram. He is aggrieved by the impugned order whereby the fifth respondent was also appointed as licensed stamp vendor for the very same area. The relevant Rule 25 (i) (c) of Appointment of Licensed Stamp Vendors is as follows:

"Appointment of Licenced Stamp Vendors Rule 25 (i) (c)

The number of non-official licensed vendors in each district shall ordinarily be at least one for every 3 [10,000] of the population, but while creating new posts, regard shall be had to the public convenience, the commission earned by existing licensed vendors in the locality and other relevant factors."

3. It can be seen, for every 10,000 of the population, there must ordinarily be atleast one licensed Stamp Vendor. It is stated that at present the petitioner is having monopoly over the business. However, the population of the locality has gone beyond 50,000. Therefore, the impugned order appointing the fifth respondent as licensed Stamp Vendor cannot be said to be in violation of the statutory rules. Only when the petitioner can shows that the appointment of the fifth respondent is in breach of the statutory provisions, this Court can intervene. Such a breach has not been shown in the instant case. Since the petitioner's business interest stands to be affected, he has moved this Court. I do not find any ground to interfere. The writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (AE)

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/07/2022

Sub Assistant Registrar (CS)



1.The Secretary,
Department of Commercial Tax and Registration,
The Government of Tamilnadu,
Department of Registration,
Chennai.

2.The Inspector of General Registration,
Department of Registration,
Chennai.

3.The District Registrar,
Office of District Registrar,
Tenkasi District.

4.The Sub Registrar,
3/206, Rajeevganthi Nagar,
Nainaragaram, Idikkal,
Tenkasi District - 627 804.

+1 CC to M/s.S. KISHORE KUMAR, Advocate (SR-26694[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27079[F] dated 21/06/2022)

W.P.(MD)No.6492 of 2021
20.06.2022

SS/07/07/2022/ 3P 7C