



W.P(MD)No.17416 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.17416 of 2020

and

W.M.P(MD)No.14557 of 2020

and

W.P(MD)No.5337 of 2018

and

W.M.P(MD)Nos.16507, 14067 & 5281 of 2018

T.Senthil

...Petitioner
in both cases

Vs

1.The Deputy Inspector General of Registration,
Thanjavur.

2.The District Registrar (Administration),
Pattukottai,
Thanjavur District.

...Respondents
in W.P(MD)No.17416 of 2020

The District Registrar (Administration),
Pattukottai,
Thanjavur District.

... Respondent
in W.P(MD)No.5337 of 2018

Prayer in W.P(MD)No.17416 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders passed by the respondents vide their respective proceedings in na.Ka.No. 1212/A4/2020, dated 23.09.2020 and Na.Ka.No.350/E/2020, dated 28.10.2020 and quash the same as illegal, arbitrary and against the well settled propositions of law.



W.P(MD)No.17416 of 2022

Prayer in W.P(MD)No.5337 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the respondent in his proceedings in Na.Ka.No.2362/A4/2016, dated 05.01.2018 and quash the same as illegal.

For Petitioner : Mr.K.K.Senthil
in both cases

For Respondents : Ms.S.Jeyapriya
in both cases Government Advocate

COMMON ORDER

The petitioner has filed these Writ Petitions to quash the impugned orders passed by the respondents in Na.Ka.No.2362/A4/2016, dated 05.01.2018, Na.Ka.No.1212/A4/2020, dated 23.09.2020 and Na.Ka.No. 350/E/2020, dated 28.10.2020.

2.The learned counsel appearing for the petitioner would submit that the petitioner passed the Document Writer's Licensing Test conducted on 19.07.1997 by the Inspector General of Registration, Chennai and license was granted in License Serial No.A/8/2002/PKT under the Tamil Nadu Document Writer's license Rules, 1982 and thereby, authorized him to practice as a Document Writer within the State of Tamil Nadu. The said license was valid for 5 years and periodically renewing the same without



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any break. The petitioner was doing his job without any complaint from any one. One Tamilnesan, who is known person, approached the petitioner for drafting a sale deed in respect of S.No.124/2 at Pugal Sillathur Village, Orathanadu Taluk, Thanjavur District. After getting necessary particulars from him for drafting the deed, he drafted the sale deed and thereafter only the sale deed was registered on 23.07.2012 as Document No.654/12. Two persons, namely Mr.Rengasamy and Mr.Ramesh approached the petitioner for drafting two settlement deeds in respect of several survey numbers. He drafted both settlement deeds in respect with the particulars given by them. Those two sale deeds were also registered as Document Nos.66/2014 and 67/2014 on 03.02.2014. In the month of May 2015, the Inspector of Police, District Crime Branch Police Station, Thanjavur intimated him that certain deeds registered with the office of Sub-Registrar, Thiruvonam were fabricated and hence, he has been implicated in the said criminal case.

3. He would further submit that the petitioner has not committed any offence and he is only drafting the documents as per the particulars given and the genuineness cannot be ascertained by the petitioner. The petitioner submitted an application dated 21.12.2016 for renewal of his license to the District Registrar for being forwarded to the licensing authority for renewal. The second respondent issued the impugned order



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dated 05.11.2018 in Na.Ka.No.2362/A4/2016 declaring that he will not be permitted to write documents since the criminal case is pending investigation. The petitioner has been permitted to write documents even after the date of registration of FIR in Cr.No.35/2014 pending before the DCB, Thanjavur. The impugned order has to be set aside on the ground that the proceedings of the Deputy Inspector General of Registration, Thanjavur which was referred to by the respondents herein as an order, is actually an inter departmental communication, wherein, a clarification has been given by the Deputy Inspector General of Registration for a query raised by the respondent.

4. He would further submit that the impugned order, dated 05.01.2018 issued by the second respondent herein vide his proceedings in Na.Ka.No.2362/A4/2016, when viewed in any sorts of angle is highly erroneous one and suffered also from sanctuary of illegalities and arbitrariness. Therefore, under such circumstances I was having no other speedy and efficacious option rather than invoking Art.226 of Indian Constitution for uplifting his fundamental rights, by filing a writ petition challenging the above said impugned order vide W.P(MD)No.5337/2018 and the same is pending before this Hon'ble Court after granting Interim Stay for operation of above said impugned order vide order dated 25.07.2018 passed in W.M.P(MD)No.5281/2018 in W.P(MD)No.5337 of



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2018 by this Hon'ble Court. He pray leave of this Hon'ble Court that the affidavit and grounds stated in W.P(MD)No.5337.2018 may also be read as part and parcel of this affidavit.

5. He further submitted that thereafter he was permitted by the respondents to write documents till 27.08.2018 in view of order passed by this Hon'ble Court. Thereafter, the respondents herein had not permitted him to writ documents by stating that the stay order passed by this Court had ended on 27.08.2018 since this Hon'ble Court in its order dated 25.07.2018 has observed as "post on 27.08.2018 for filing counter. Interim order already granted is extended till then" and as the interim order was not extended by not listing of case.

6. The learned counsel for the petitioner submits that the respondents are not at all a competent authority to issue a impugned order since his document writer licence is a state licence issued by the Inspector General of Registration, Chennai. The respondent failed to see that Rule 16 of the Tamil Nadu Document writer's Licence Rules does not contemplate pendency of criminal case as a bar for renewal/suspension of a document writers' licence. Moreover, no offence is made out as against him in respect of the allegation levelled. The document writer's duty as prescribed in Rule 2(d) of the Tamil Nadu Documents Writers' Licence



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Rules 1982, does not extend to the extent of verifying the genuineness of the particulars in records said to have been issued by the Revenue Authorities. The impugned order of the respondents, dated 23.09.2020 and 28.10.2020 are under challenge in this writ petition.

7.The learned Government Advocate appearing for the respondents would submit that on 29.12.2016 the petitioner has applied for renewal of license from 01.01.2017 to 29.12.2021 without attaching the original license as prescribed by rules which states that one who makes application for renewal of license has to return the original license issued by competent authority along with renewal application form. Therefore, the District Registrar has returned the application by directing the petitioner to attach the original license issued by authority concerned. In the meanwhile the petitioner has approached the original authority by seeking to issue fresh document writer license on 21.01.2017. While verifying the records of the petitioner found that the file of the petitioner is pending in Cr.No.35/2014 dated 24.12.2014 on the file of the DCB Thanjavur. The matter stood thus, he involved in preparing a document No.774/2014 at Sub-Registrar Office, Thiruvonam and he was arrested in the above said case and remanded to judicial custody. Therefore, the District Registrar sought clarification from the DIG, Thanjavur after receiving the application from the petitioner for issuance of document writer license. In turn DIG, Thanjavur made communication by his



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proceeding in Na.Ka.No.3428/A/2017 dated 17.11.2017 stating that during the pendency of criminal case, the petitioner cannot be permitted to write the document as he was involved in a criminal case. Therefore, his license was neither renewed nor issued with new license. He would further submit that Rule 16 of the Tamil Nadu Document Writer License Rules 1982 will not be applicable as the petitioner herein was neither suspended nor cancelled. Therefore, no question arises to revoke the license of the petitioner. Further, they did not aware of the fact that as to whether the license is seized by the police in Cr.No.35/2014 or not. Since the petitioner has not at all produced the original license at the time of making application for renewal of license.

8. It is seen from the FIR that the petitioner has prepared some documents based on the particulars given by the parties and the same was registered before the Sub-Registrar, Thiruvonam. It is seen that the petitioner's name was not found in the FIR and the authorities have proceeded with the investigation and filed the charge-sheet, but till date no such action can be taken by the concerned officer. The petitioner is only a document writer and has not done any act malafidly.

9. The documents were rejected by obtaining patta for the lands belong to a temple and this petitioner cannot be found fault for mere drafting the documents based on the revenue records.



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10. In view of the above, this Court is inclined to quash the impugned order passed by the respondents in Na.Ka.No.2362/A4/2016, dated 05.01.2018, Na.Ka.No.1212/A4/2020, dated 23.09.2020 and Na.Ka.No.350/E/2020, dated 28.10.2020.

11. Accordingly, these writ petitions are allowed and the orders of the respondents in Na.Ka.No.2362/A4/2016, dated 05.01.2018, Na.Ka.No.1212/A4/2020, dated 23.09.2020 and Na.Ka.No.350/E/2020, dated 28.10.2020 are set aside. Now, the request of the petitioner for renewal of license from 01.01.2017 to 29.12.2021 was lapsed and therefore, the respondents are directed to consider the petitioner's request to issue of license for the upcoming years based on the representation to be filed within three weeks from the date of receipt of a copy of this order and pass appropriate orders after giving an opportunity of hearing. No costs. Consequently, connected miscellaneous petitions are closed.

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To

- 1.The Deputy Inspector General of Registration,
Thanjavur.
- 2.The District Registrar (Administration),
Pattukottai,
Thanjavur District.



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V.BHAVANI SUBBAROYAN,J.

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