



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.12.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27157 of 2022

and

W.M.P(MD)Nos.21311 and 21312 of 2022

Radha

..Petitioner

Vs

1.The Additional Registrar of Chits,
Office of the Additional Registrar of Chits,
Goernment of Tamil Nadu,
Chennai -28.

2.The District Registrar,
Office of the District Registrar,
Trichy.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the first respondent in Order No.44875/S2/2009, dated 28.6.2011 and to quash the same as illegal and consequently to direct the respondents to restore the Document Writer Licence in favour of the Petitioner within the time stipulated by this Court.

For Petitioner :Mr.B.Jameel Arasu

For Respondents:Mr.K.S.Selvaganesan
1 and 2 Addl.Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified

Mandamus calling for the records pertaining to the impugned order



issued by the first respondent in Order No.44875/S2/2009, dated 28.6.2011 and to quash the same as illegal and consequently to direct the respondents to restore the Document Writer Licence in favour of the Petitioner within the time stipulated by this Court.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the petitioner is a Document Writer by profession and having his office at Sub-Registrar Office, Thiruverumbur. Whiles, the officials of the Vigilance and Anti Corruption Department has registered a case against the Petitioner in Crime No.23 of 2009 for the offence punishable under Sections 41(1) and 102 of Cr.P.C. r/w Section 7, 12 and 13(2) of the Prevention of Corruption Act, 1998 r/w Section 102 of Cr.P.C against 15 persons including the Petitioner, arraying him as accused No.15.Thereafter, the first respondent had issued a show-cause notice, dated 28.1.2011 stating that as to why the Petitioner's licence as Document writer should not be permanently cancelled. On receipt of the same, the Petitioner filed a Writ Petition in W.P(MD)No.8233 of 2011 before this Court and an order of interim stay was granted staying the operation of the above said show-cause notice and the Writ Petition is still pending.While the Writ Petition is pending, the



first respondent has passed a final order on 28.6.2011 permanently cancelling the licence granted to the Petitioner as Document Writer invoking Rule 16(3) of the Tamil Nadu Document Writers Rules. In the meantime, the earlier Writ Petition filed by the Petitioner was disposed of on 29.3.2022 directing the Petitioner to submit an explanation to the above said show-cause notice within a period of four weeks from the date of receipt of a copy of this order and on receipt of such explanation, the first respondent shall consider the same and proceed according to law and if the Petitioner fails to offer his explanation as directed, it is open to the respondents to proceed with the matter in accordance with law with the materials available with them. The criminal case registered against the Petitioner and 15 others had been closed as "Action Dropped" on 30.9.2013 itself. When interim stay is granted by this Court to the show cause notice issued by the first respondent, the first respondent had passed the final order on 28.6.2022 cancelling the licence granted to the Petitioner and the same was challenged before this Court in the present Writ Petition.

4. From the above, this Court is of the view that when there is a stay in respect of the show-cause notice issued by the first respondent and the main Writ Petition is pending, the first respondent without taking into account of the same, passed the impugned order and hence, the impugned order is liable to be set aside. Further, the criminal case foisted



against him and others was also closed as "Action Dropped".

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5. In view of the above, the impugned order issued by the first respondent in Order No.44875/S2/2009, dated 28.6.2011 stands quashed. Further, the first respondent is directed to consider the explanation submitted by the Petitioner to the show-cause notice issued by him on 28.1.2011 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.12.2022

Index : Yes/No
Internet: Yes/No
vsn

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27157 of 2022
and
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