



W.A. No.2833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The Inspector General of Registration,
Santhome, Chennai 28

2.The District Registrar,
Coimbatore.

3.The Sub Registrar,
Ganapathy Sub-Registry,
Coimbatore

... Appellants

Vs

C.P.Ragunathan

... Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 24.03.2022 in WP No.14315 of 2014.

For the Appellants

:: Mr.P.Muthukumar,
State Government Pleader



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JUDGMENT

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(Made by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 24.03.2022 passed by the learned Single Judge in WP No.14315 of 2014.

2. The Inspector General of Registration, Chennai, and two others have jointly filed this appeal, on the ground that the learned Single Judge has erred in allowing the writ petition, by setting aside the order dated 06.05.2013 passed by the Sub Registrar, Ganapathy Sub Registry, Coimbatore, the third appellant herein.

3. Mr.P.Muthukumar, learned State Government Pleader, appearing for the appellants, assailing the impugned order, contended that though the writ petitioner was given the benefit of notional promotion as Sub-Registrar, he may not be fully considered qualified for the license, as he did not work as Sub-Registrar and was granted notional promotion alone. Therefore, the impugned order is liable to be interfered with. The learned State Government Pleader further submitted that the writ petitioner retired from service on attaining the



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age of superannuation on 31.08.2006, as Assistant in the Registration Department. Thereafter, the writ petitioner was notionally promoted as Sub-Registrar, Grade II, by the first appellant by his proceedings dated 07.07.2011. Though the writ petitioner retired on 31.08.2006, he has not applied for issuance of document writer license till 07.07.2011, as he knew well that license would be issued only to the retired official of the registration Department who has served in the post not below the rank of Sub Registrar. But since he was notionally promoted as Sub Registrar, he has applied for issuance of license as if he has served as Sub Registrar. But Rule 4(2)(iii) as amended by G.O.Ms.No.144 Commercial Taxes dated 16.06.1999, provides for issuance of license to retired Sub-Registrar. But this vital aspect has been completely overlooked by the learned Single Judge.

4. We hardly find any merit in the submissions made by the learned Government Pleader. Initially, the writ petitioner was working in the feeder category of Assistant. Subsequently, he retired from service. After he retired from service, the appellants themselves have granted notional promotion as Sub Registrar. The petitioner was fully qualified and entitled for promotion to the post of Sub-Registrar, from



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07.07.2011. But only due to administrative lapse, promotion on time was not granted to the writ petitioner and he was subsequently granted notional promotion at a later point of time.

5. Rule 4(2)(iii) reads as follows:

“Any retired official of the Registration Department who had the required qualifications to be appointed as a Sub-Registrar”.

Thus, it may be seen that the person should have the qualification to work as Sub-Registrar and he need not have actually served as Sub-Registrar. This being the indisputable position, the learned Single Judge has rightly come to the conclusion that the writ petitioner was entitled to the grant of document writer license. Therefore, we do not find any error or illegality in the order passed by the learned Single Judge.



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6. The writ appeal fails and the same is dismissed. There will be no order as to costs. Consequently, C.M.P.No.15517 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
05.01.2023

Index : Yes/No
Neutral Citation : Yes/No
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