



W.P(MD)No.12335 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12335 of 2015

and

MP(MD)No.1 of 2015

K.Ravichandran

... Petitioner

Vs

- 1.The Inspector General of Registration,
Santhome, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Thanjavur.
- 3.The District Registrar, Thanjavur.
- 4.S.Balasubramanian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records pertaining to the impugned order in No.57092/S1/2014 dated 13.05.2015 passed by the Inspector General of Registration, the first respondent herein and to quash the same as illegal.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader for R1 to R3



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ORDER

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The writ petitioner was licensed to vend stamp papers. The fourth respondent herein lodged a complaint against the petitioner that he had sold ante dated stamp papers to one George David. According to the fourth respondent, one James Jeyaprakash was given power of attorney by three persons, namely, S.Savithri, W/o.S.Sevaraj, S.Bisra W/o.Balasubramanian, Nivethitha W/o K.Selvaraj vide document dated 05.11.2009. This power of attorney was cancelled by Savithri on 18.02.2011. Since cancellation of power of attorney will come in the way of power agent from executing any document in favour of third party, stamp papers which were purchased subsequently were ante dated and made to appear as if they were purchased on 15.02.2011. Based on such ante dated stamp papers, power agent James Jeyaprakash registered a sale deed in favour of George David on 28.02.2011 on the file of SRO, Tharapuram. According to the complainant, the document originally was not executed on 15.02.2011 and only to make it appear as if that was executed on the said date, the stamp papers have been ante dated. Based on the said complaint, show cause notice dated 25.08.2011 was issued by the District Registrar (Administration), Thanjavur. The petitioner did not offer his response. Hence, the District Registrar (Administration), Thanjavur issued proceedings dated 31.05.2012 cancelling the petitioner's stamp vendor license.



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Questioning the same, the petitioner filed W.P(MD)No.7689 of 2012. The writ petition was allowed and the matter was remanded to the file of the District Registrar (Administration), Thanjavur to pass order afresh after hearing the petitioner. The petitioner gave his explanation on 19.11.2012. The petitioner's explanation was accepted and the issue was dropped with a warning. Questioning the proceedings dated 26.11.2012 whereby the complaint was closed, the fourth respondent herein filed an appeal before the DIG of Registration, Thanjavur. The DIG of Registration vide proceedings dated 31.10.2014 allowed the appeal and cancelled the petitioner's license. Aggrieved by the same, the petitioner filed an appeal before the I.G of Registration who confirmed the order passed by the appellate authority. Challenging the same, the present writ petition came to be filed.

2.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for. The learned Special Government Pleader on the other hand submitted that the impugned orders are well reasoned and that they do not warrant interference. He pressed for dismissal of the writ petition.



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3.Since the learned counsel engaged by the fourth respondent has become a judicial officer, there was representation on the side of the fourth respondent on the last occasion. But, the counsel who represented the fourth respondent failed to formally enter his appearance.

4.I carefully considered the rival contentions and went through the materials on record. On the last occasion, I called upon the learned Special Government Pleader to produce the document that was alleged to have been ante dated. Pursuant to the Court's direction, the sale deed dated 15.02.2011 which was registered as Document No.2597 of 2011 was produced. The document contains totally 12 stamp papers. They bear S.Nos.6241 to 6247 and 613, 614, 615, 616, 622 and 623. Stamp papers bearing 6241 to 6247 were sold by the petitioner and other stamp papers have been sold by one Krishnamoorthy. The stamp papers sold by the petitioner are dated 15.02.2011 whereas the stamp papers sold by the other stamp vendor are dated 12.02.2011. After carefully considering the entire materials on record, the authorities were come to the conclusion that the petitioner had anti dated the stamp papers. In the impugned order itself, the details have been brought out. From the petitioner's sale register dated 15.02.2011, it has been noticed that S.Nos.6241 and 6242 were sold to one Meganathan, S.Nos.6243 to 6245 were sold to one



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Vinoth Misra, S.Nos.6246 and 6247 were sold to one Pandian. The stamp papers sold to George David also bear the very same serial numbers. No amount of explanation by the petitioner can be convincing. The reason for ante-dating the stamp papers is cancellation of the power of attorney by one of the principals, namely, Savithri on 18.02.2011. It is well settled that a document executed earlier in point of time can be registered later, but within four months. If a document had been executed before the cancellation of the power of attorney, it would be valid in law.

5.Realizing the position, the petitioner virtually pleaded guilty before the authorities. He was only asking for condonation of the lapse. Of course, the petitioner in the alternative contended that the sale had actually taken place on 15.02.2011 but that it was entered in the stock register subsequently. The petitioner has attributed the reason to his father's medical condition. The issue is a pure question of fact. Even though the original authority did not exonerate the petitioner, he only let off the petitioner with warning. The appellate authority as well as the revisional authority have held against the petitioner. The writ Court obviously cannot re-appreciate the facts. To satisfy my conscience, I independently went through the materials on record. I am more than satisfied that the authorities arrived at the correct finding.



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6.At this stage, the petitioner points out that subsequently the issue had been settled between the parties. The criminal prosecution registered against the petitioner had also ended in acquittal. While I sustain the impugned orders, I permit the petitioner to apply afresh as and when the Inspector General of Registration issues fresh notification. The impugned orders will not bar the petitioner from participating in any fresh empanelment exercise. This writ petition is dismissed with the aforesaid liberty. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector, Tuticorin District, Tuticorin.
- 2.The Block Development Officer, (Village Panchayats),
Allwarthirunagari Panchayat Union, Thenthiruperai, Thenthiruperai Post,
Tuticorin District.
- 3.The Tahsildar, Sathankulam Taluk, Tuticorin.



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G.R.SWAMINATHAN, J.

MGA

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