



W.P.(MD)No.13490 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13490 of 2015

T.N.Savithri

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
1A, Thirupattur Salai,
Sivangangai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified Mandamus, call for the records relating to order dated 15.6.2015 in Na.Ka.No.24147/S1/2015 of the first respondent and quash the same a illegal and direct the respondents to appoint the petitioner as licensed stamp vendor for the sub-registrar office, Paramakudi.

For Petitioner : Mr.R.Ramadurai

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2. The Inspector General of Registration had notified that five persons can be appointed as licensed stamp vendors for Paramakudi. The second respondent issued notification in this regard and pursuant thereto the petitioner applied. Interview was held on 18.03.2015 at 10.30 a.m in the office of the second respondent. The petitioner was however not selected. The petitioner's father applied under the provisions of the RTI Act and wanted to know as to why the petitioner was not selected. The Public Information Officer attached to the office of the second respondent informed the petitioner's father that the solvency certificate furnished by the petitioner was not in her name and that the petitioner had not clarified the relationship between her and the person in whose name the solvency certificate was issued. Thereupon, the petitioner submitted an application for review on 29.04.2015. The petitioner had enclosed as many as nine documents along with the review application. Document No.8 was solvency certificate and Document No.9 was



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consent statement given by her mother Vathsala. The second respondent informed the petitioner on 07.05.2015 that the petitioner can apply afresh as and when Inspector General of Registration issues notification. Aggrieved by the same, the petitioner appealed before the Inspector General of Registration. The Inspector General of Registration informed the petitioner vide communication dated 16.06.2015 that the application was time barred. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the 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 orders and grant relief as prayed for.

4. The learned Special Government Pleader appearing for the respondents submitted that the impugned orders are well reasoned. He pointed out that the petitioner failed to enclose her mother's consent statement along with the original application and that therefore the writ petition deserves to be dismissed.



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5. I carefully considered the rival contentions and went through the materials on record.

6. Exercising the powers conferred under Section 74 read with 76(A) of the Indian Stamp Act, 1899, the Tamil Nadu Stamp Rules have been issued. Rule 25(i) and (ii) are read as follows:

“**Rule 25.-** (i) (a) Chief Controlling Revenue Authority may at his discretion create the posts of Licensed Vendors for the sale of Stamps]

(b) [After the posts are created the Chief Controlling Revenue Authority] should fix the places where the licensed vendors are to sell stamps. Such Places shall be clearly specified and be of strictly limited extent such as building or a compound and shall not be such as to interfere with any of the existing licensed vendors,

(c) The number of non-official licensed vendors in each district shall ordinarily be at least one for every [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.

Rule 25 (ii) – (a) [District Registrar] are empowered to make appointment of licensed vendors in



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existing posts which are permanently or temporarily vacant and in newly created posts. They are also empowered to grant leave to licensed vendors and to fill up temporary vacancies caused by the grant of such leave. No licensed vendor shall be granted leave exceeding three months at a time. If a licensed vendor is continuously absent for over one year his license shall be liable to be cancelled. [District Registrar] are empowered to issue licenses for the sale of stamps to persons appointed by them as licensed vendors. They may alter the place of sale for a vendor i.e., transfer him by cancelling his existing licence for sufficient reasons and licence him a fresh for another place of sale after giving him an opportunity to make his representations.

(b) Whenever the post of licensed vendor falls vacant, the [District Registrar] shall notify the fact of such vacancy by affixing a copy of notification in the notice boards of 2 [in the notice boards of District Registrar, taluk office, Sub-Registrar's Office, Village Chavadi and Panchayat Office concerned] inviting applications for filling up the post, within a reasonable time fixed by him. The applications received shall be considered and the candidate interviewed and the best suitable person selected for appointment, following the rules of preference specified in clause (c).



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(c) While selecting persons for appointment as licensed vendors, the factors to be taken into consideration shall include residence in the locality, previous experience, good health, adequate education and solvency.

(d) While selecting persons for appointment as Stamp Vendors the following Order of preference shall be scrupulously followed by the appointing authorities : —

- (1) Physically handicapped
- (2) Adi-Dravidars and Tribals
- (3) Widows
- (4) Ex-Servicemen
- (5) [***]
- (6) General”

The aforesaid statutory Rule makes it clear that one of the factors to be taken into consideration shall include solvency. The only ground on which the petitioner's application was rejected is that the petitioner had not clarified the nature of relationship between her and the person in whose name the solvency certificate stood. The petitioner in her Review Application had make it clear that the solvency certificate stood in the name of her mother and that her mother had given consent for using the said solvency certificate in her application for appointed as license stamp vendor. The petitioner had specifically endorsed in the Review



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Application that the mother's consent statement was submitted along with her original application.

7. Of course, as rightly pointed out by the learned Additional Government Pleader, if the petitioner was aggrieved by her non selection, she ought to have availed an appropriate remedy in the manner known to law. The question of submitting the Review Application will not arise at all. Rule 25(iv) states that any person aggrieved by an order of appointment may appeal against the order to the Inspector General of Registration within 30 days. In this case, the petitioner's complaint was as regards the non appointment. Of course, the petitioner could have submitted a revision before the Inspector General of Registration challenging for complaining against her non selection.

8. The learned counsel appearing for the petitioner would state that since no formal order was issued, the petitioner was not in a position to avail the remedy in time.

9. Instead of remanding the matter, I am of the view that the issue can be resolved in the present proceedings itself. The Inspector General



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of Registration had notified as many as five vacancies. But only 2 were selected. The reason for her non selection had already been set out in the affidavit filed in support of the writ petition. The petitioner had categorically stated that she had not only enclosed the solvency certificate in the name of Vathsala (petitioner's mother) and also her mother's consent affidavit. The fact remains that the petitioner filed Review Application before the second respondent. It may not have been maintainable but the fact remains that along with Review Application the petitioner had specifically stated that this document was already submitted and it was also duly verified by an official attached to the office of the second respondent. I am more than satisfied that the petitioner had enclosed her mother's consent affidavit along with original application. In as much as the same was not taken into account, the satisfaction of the second respondent was obviously vitiated. Since no other reason for the petitioner's non selection has been set out, I have to necessarily interfere.

10. In this view of the matter, the orders impugned in this writ petition are set aside. The second respondent is directed to appoint the petitioner as license stamp vendor for Paramakudi.



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11. This writ petition is allowed accordingly. There shall be no order as to costs.

04.09.2023

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

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
1A, Thirupattur Salai,
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G.R.SWAMINATHAN,J.

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